

SANDY TRAFFIC CODE

Article 1 Definition of Terms

Sec. 1 Definitions of terms 41-6-1

As used in this code:

Sec. 2 Alley 41-6-1(1)

means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

Sec. 3 Authorized emergency vehicle 41-6-1(3)

means fire department vehicles, police vehicles, ambulances and other publicly or privately owned vehicles designated by the Commissioner of the Department of Public Safety, of the State of Utah.

Sec. 4 Bicycle 41-6-1(4)

means every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices.

Sec. 5 Bus 41-6-1(5)

means every motor vehicle designed for carrying more than fifteen passengers and used the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 6 Bus zone

means an area so designated and marked by the city transportation engineer solely for the use of public transportation.

Sec. 7 Center line

shall mean single or double continuous or broken yellow line or lines marked upon the surface of a roadway to indicate each portion of the roadway allocated to traffic proceeding in two opposite directions and if no line is so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the

Sec. 8 City Council

Sec. 9 Crosswalk 41-6-1(7)

- ## Sec. 10 Crosswalk line

Sec. 11 Divided highway 41-6-1(9)

Sec. 12 Edge line

Sec. 12.1 Electric Assisted Bicycle 41-6-1(10)

Sec. 13 Explosives or Hazardous Material

means any material, solid, liquid, or gas, or any combination thereof, designated by the Sandy City Fire Department as dangerous and requiring special consideration.

Sec. 14 Farm tractor 41-6-1(11)

means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

Sec. 15 Fire department

means the fire department of Sandy City Corporation, Sandy, Utah.

Sec. 16 Gross weight 41-6-1(13)

means the weight of a vehicle without load plus the weight of any load on the vehicle.

Sec. 17 Highway 41-6-1(14)

means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

Sec. 18 Intersection 41-6-1(15)

means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another;
- (b) Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection;
- (c) The junction of an alley with a street or highway is not an intersection.

Sec. 19 Island, traffic island, or physical barrier

means a continuous raised barrier, raised median or curb installed in a roadway.

Sec. 20 Lane line

means a solid or broken white line used to separate traffic lanes moving in the same direction.

Sec. 21 Limited-access street, highway, or roadway

means every highway, street or roadway in respect to which owners or occupants from abutting lands and other persons have no legal right of access to or from the same except at such public authority having jurisdiction over such highway, street or roadway.

Sec. 22 Loading zone

means any zone alongside, in front of, or behind any business so designated by the city transportation engineer for the sole purpose of loading and unloading of goods or materials.

Sec. 23 Mobile home 41-6-1(18)

means:

- (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place either permanently or temporarily and is equipped for use as a conveyance on streets and highways, or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in paragraph (a), but which is instead used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distributing by a private carrier.

Sec. 24 Moped 41-6-1(19)

means a motor-driven cycle having both pedals to permit propulsion by human power, and a motor which produces not more than two brake horsepower and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

Sec. 24.1 Motor Assisted Scooter 41-6-1(22)

means a self-propelled device with at least two wheels in contact with the ground, a braking system capable of stopping the unit under typical operating conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a person to stand while operating the

device, and the ability to be propelled by human power alone.

Sec. 25 Motor vehicle 41-6-1(20)

means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, and every vehicle being towed or pushed by another vehicle but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

Sec. 26 Motorcycle 41-6-1(21)

means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

Sec. 27 Motor-driven cycle 41-6-1(24)

means every motorcycle and motor scooter, moped, electric assisted bicycle, motor assisted scooter, and every motorized bicycle having an engine with less than 150 cubic centimeters displacement or having a motor which produces not more than five horsepower.

Sec. 28 MUTCD

means "Manual of Uniform Traffic Control Devices for Streets and Highways", as published by the Federal Highways Administration and the United States Department of Transportation to govern traffic markings and devices nationwide. All references shall be made to the most current edition with all supplements and additions.

Sec. 29 Neutral zone or two-way turn lane

means the area of space between two sets of double yellow painted lines, one solid and one broken, or set apart by physical barrier to separate traffic lanes for vehicles that move in opposite directions upon any street or highway.

Sec. 30 Official Traffic-Control devices 41-6-1(22)

means all signs, signals, traffic markings and devices not inconsistent with this code or the Manual on Uniform Traffic Control Devices of the State of Utah placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Sec. 31 Operator 41-6-1(24)

means any person who is in actual physical control of a vehicle.

Sec. 32 Owner

means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either the registered or legal owner.

Sec. 33 Park or parking 41-6-1(28)

means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Sec. 34 Passenger loading zone

means the zone in front of any business so designated by the city transportation engineer for the sole purpose of loading and unloading of passengers.

Sec. 35 Peace Officer 41-6-1(26)

means every law enforcement officer authorized under Section 77-1a-1 UCA to direct or regulate traffic or to make arrests for violations of traffic laws.

Sec. 36 Pedestrian 41-6-1(29)

means a person afoot.

Sec. 37 Play Street

means any street set aside by the city transportation engineer on a temporary basis to facilitate non-traffic related activities such as neighborhood parties.

Sec. 38 Police Department

shall mean the police department of Sandy, Utah.

Sec. 39 Police Officer 41-6-1(32)

means any officer, including peace and police officers, authorized by the law to execute criminal process or to make arrests for the violation of the regulations generally or of any particular regulation relative to the highways of the State of Utah or the streets or alleys of the City of Sandy.

Sec. 40 Open

Sec. 41 Private road or driveway 41-6-1(30)

means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Sec. 42 Railroad 41-6-1(31)

means a carrier of persons or property upon cars operated upon stationary rails.

Sec. 43 Railroad sign or signal 41-6-1(36)

means [#any] [#a] sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 44 Railroad train 41-6-1(33)

means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

Sec. 45 Right-of-way 41-6-1(34)

means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity which give rise to danger of collision unless one grants precedence to the other.

Sec. 46 Roadway 41-6-1(35)

means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though any of them are used by persons riding bicycles or other human-powered vehicles. If a highway includes two or more separate roadways, roadway refers to any roadway operated separately but not to roadways collectively.

Sec. 47 Safety zone 41-6-1(36)

means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 48 School bus 41-6-1(37)

means every motor vehicle that complies with the color and identification requirements of the most recent edition of Minimum Standards for School Busses" and is used to transport school children to or from school or school activities. This definition does not include vehicles operated by common carriers in transportation of school children to or from school or school activities.

Sec. 49 Semitrailer 41-6-1(38)

means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that some part of its weight and that of its load rests upon or is

carried by another vehicle.

Sec. 50 Shoulder area 41-6-1(39)

means that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices (MUTCD)," or that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use and lateral support.

Sec. 51 Sidewalk 41-6-1(40)

means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Sec. 52 Stand or standing 46-6-1(42)

means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Sec. 53 Stop 41-6-1(43)

when required means complete cessation from movement.

Sec. 54 Stop or limit line

shall mean a single white line not less than twelve inches in width behind which vehicles must stop when directed by a police officer or traffic control device.

Sec. 55 Stop or stopping 41-6-1(44)

when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or when in compliance with the directions of a peace officer or official traffic-control device.

Sec. 56 Street or city street 41-6-1(51)

means every highway, or part thereof, located within the corporate limits or Sandy City, except alleys.

Sec. 57 Taxicab

means and includes every motor vehicle having a seating capacity of nine passengers or less, as per manufacturer's rating, used for the transportation of passengers for hire, and not operated exclusively over a fixed and defined route.

Sec. 58 Traffic 41-6-1(45)

means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

Sec. 59 Traffic citation

means a form notifying a violator to appear at a court or traffic violators' bureau and to answer to a charge of violating a traffic law or code.

Sec. 60 Traffic-control signal 41-6-1(46)

means any device whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and permitted to proceed.

Sec. 61 Traffic division

means the traffic division of the police department of the City of Sandy.

Sec. 62 Traffic lane

means a strip of roadway intended to accommodate the forward movement of a single line of vehicles.

Sec. 63 Traffic markings

means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing, or to objects within or adjacent to the roadway officially placed for the purpose of regulating, warning, or guiding traffic.

Sec. 64 Trailer 41-6-1(48)

means every motor vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 65 Truck 41-6-1(48)

means every motor vehicle designed, used, or maintained primarily for the transportation of property.

Sec. 66 Truck tractor 41-6-1(57)

means a motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load [so] drawn by the truck tractor.

Sec. 67 UCA

means Utah Code Annotated 1953, as amended.

Sec. 68 Urban district

41-6-1(50)

means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

Sec. 69 U-turn

means turning a vehicle so as to proceed in the opposite direction of travel on the same street.

Sec. 70 Vehicle

means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Sec. 71 Violator

means a person who has violated or is alleged to have violated any ordinance or code of Sandy City, motor vehicle law or criminal code of this state.

Article 2 Administration

Sec. 73 Duty of police department.

It shall be the duty of the police department to enforce the street traffic regulations of this city and all the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents, to cooperate with the city transportation engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those specifically imposed upon the said department by the ordinances of this city.

(1) Traffic Regulation in Pepperwood Subdivision.

The street traffic regulations of this city and all state vehicle laws applicable to street traffic in this city shall, on the effective date of this ordinance, be applicable to those on private streets now owned or which may be owned by Pepperwood Homeowners Association, within the Pepperwood Subdivision, whether presently in existence, or which may yet be created. Such streets include, but are not limited to the following: Lone Hollow, Pepperwood Drive, Pleasant Hill Circle, Pleasant View Drive, Cindy Circle, Rolling Wood Lane, Sunwood Lane, Legend Lane, Apple Hill, Mountain Wood Lane, Circle Oaks, Dawn Hill, Windsong, Parkside Lane, Cherry Wood, Old Oak Lane, Northridge Lane, Shadow Wood Lane, Northridge Way, Northridge Cove, Gatehouse Lane, Quietwood Lane, Birchtree Lane, Bentwood Lane and Snowstar Lane.

(2) The police department shall have authority to enforce all traffic and vehicle laws and regulations within the Pepperwood Subdivision. However, this provision shall not be construed to require Sandy City to provide public services to this or any other area.

Sec. 74 Record of Traffic Violations. 41-6-173

A record of all local violations of the traffic ordinances of this city or the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses shall be kept by the clerk of the court. Such record shall be maintained so as to show all types of violations and shall be allowed to accumulate for a period in accordance with the motor vehicle laws and regulations of the state. All forms for records of violations and notices of violations shall be serially numbered.

Sec. 75 Investigate accidents.

The police department shall investigate traffic accidents, arrest, and assist in the prosecution of those persons charged with the violation of law causing or contributing to such accidents.

Sec. 76 Traffic accident studies.

Whenever the accidents in any particular location become numerous, the Police Department shall cooperate with the city transportation engineer in conducting studies of such accidents and determining remedial measures.

Sec. 77 Traffic accident reports. 41-4-40, 14-6-170

- (1) The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the city transportation engineer.
- (2) The Police Department shall receive and properly file all accident reports made to it under state law or under the ordinances of this city, but all such accident reports made by drivers shall be for the confidential use of the Police Department and the city transportation engineer, and no such reports shall be admissible in any civil or criminal proceeding, other than upon the request of any party to such trial or the court having jurisdiction to prove compliance with the laws requiring the making of any such report.

Sec. 78 City Transportation Engineer

The city traffic engineer shall be the City Transportation Engineer and shall exercise the powers and duties as prescribed by law.

Sec. 79 Traffic control devices-standards- authority to implement-traffic engineering standards to be used. 41-6-20

- (1) The Manual on Uniform Traffic Control Devices for Streets and Highways, (MUTCD), in its most recent edition, by the Federal Highway Administration, is hereby adopted by Sandy City as the ordinance rules and regulations of said City; one copy of which shall be for use and examination of the public in the office of the City Recorder of Sandy City. Said code establishes the standards of design and application of traffic control devices.
- (2) The city transportation engineer is empowered to place and maintain any and all traffic control devices when and as needed in his/her opinion and shall implement the provisions of said manual in accordance with accepted highway engineering principles.

Sec. 80 Emergency and experimental regulations.

- (1) The chief of police, by and with the approval of the city transportation engineer, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety

days.

- (2) The city transportation engineer may test traffic control devices under actual conditions of traffic.

Sec. 81 The duty of city transportation engineer. 41-6-21

It is the general duty of the city transportation engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city and as directed by the city council.

Sec. 82 Authority to designate crosswalks, establish safety zones and mark traffic lanes.

The city transportation engineer is hereby authorized to:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary.
- (2) Establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.
- (3) Mark lanes for traffic on street pavements at such places as he/she may deem advisable, consistent with the traffic ordinances of this city.

Sec. 83 Timing of speed by traffic signals.

The city transportation engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds somewhat below the speeds otherwise applicable within the district or at intersections.

Sec. 84 Authority to place and obedience to turn markings.

The city transportation engineer is authorized to place islands, markers, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course shall be traveled irrespective of any other provisions of this ordinance.

Sec. 85 No stopping, standing, or parking near hazardous or congested places.

The city transportation engineer is hereby authorized to determine and designate by proper signs or other traffic control devices, areas in which the stopping, standing or parking of

vehicles would create especially hazardous conditions or would cause unusual delay to traffic.

Article 3 Enforcement and Obedience to Traffic Code

Sec. 86 Required Obedience to traffic code. 41-6-12

- (1) Unlawful acts. It shall be unlawful for any person to:
 - (a) Do any act prohibited by this title.
 - (b) Fail or refuse to do any act required by this title.
 - (c) Operate any vehicle in violation of any provision of this title; or
 - (d) Operate any vehicle unless such vehicle is equipped and maintained in compliance with this title.
- (2) Penalty. Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, with the exception of the following: Violations of Sections 108, 109, 110, 112, 116, 124, 126, 133, 241, 310 and 326 shall be class C misdemeanors. Violations of Sections 111, 119, 119.1, 119.2, 127, 128, 129, 130, 131, 132, 134.1, 134.2, 134.5, 242, 245, 279 and 311 are class B misdemeanors. Any speeding violation in excess of 25 m.p.h. over the limit is a C misdemeanor. Any person convicted of an offense under this Code shall be punished in accordance with Sections 76-4-204, 76-3-205, 76-3-301, 76-3-302, and other relevant provisions of the Utah Code Annotated (1953, as amended). Any traffic offense except Driving Under the Influence of Drugs or Alcohol may be prosecuted as an infraction by the filing of an amended information by the City prosecutor.
 - (a) A person convicted of an infraction may not be imprisoned, but may be subject to a fine, forfeiture, and disqualification, or any combination. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.
 - (b) Misdemeanor penalty class C: A person convicted of a class C misdemeanor shall be punished by a fine not to exceed \$750 and or imprisonment not to exceed ninety days.
 - (c) Misdemeanor penalty class B. A person convicted of a class B misdemeanor shall be punished by a fine not to exceed \$1,000 or imprisonment not to exceed six months or by both such imprisonment and fine.
- (d) Any section of this code that indicates it will be a misdemeanor and does not specify the class, is hereby specified a class B misdemeanor.

Sec. 87 Obedience to police and fire department officials. 41-6-13

- (1) A person may not wilfully fail or refuse to comply with any lawful order or direction of any peace officer, fireman, flagger at a highway construction or maintenance site, or uniformed adult school crossing guard or juvenile crossing guard, invested by law with authority to direct, control, or regulate traffic.
- (2) Any person violating this section is guilty of a misdemeanor.

Sec. 88 Duty of Fire Department and other designated personnel.

It shall be the duty of the fire department and other personnel designated by the Chief of Police, to cite and/or assist in the enforcement of the provisions of this title while in the performance of their duties.

Sec. 89 Persons propelling push carts or riding animals to obey traffic regulations. 41-6-15

A person riding an animal or driving any animal-drawn vehicle upon a roadway is subject to this chapter, except the penalties regarding operator licenses specified under the alcohol or drug related traffic offenses do not apply.

Sec. 90 Use of coasters, roller skates, etc. restricted.

No person upon roller skates or riding in or by means of any coaster, sled, toy-wagon, scooter, skate board or similar device, shall go upon any roadway except while crossing such roadway on a crosswalk and when so crossing such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply on any street while set aside as a play street as authorized by this code.

Sec. 91 Public employees to obey traffic regulations. Workers and equipment on streets. 41-6-165.5

- (1) The provisions of this code shall apply to the operator of any vehicle owned by or used in the service of the United States government, this state or any of its political subdivisions, and it is unlawful for the operator to violate any of the provisions of this code, except as otherwise permitted.
- (2) Unless specifically made applicable, the provisions of this code shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in authorized work upon the surface of the street or upon wires immediately above the surface of the street, but shall apply to such persons, teams, vehicles and equipment when traveling to or from such work.

Sec. 92 Emergency vehicles. 41-6-14

- (1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law

or when responding to but not upon returning from a fire alarm, may exercise the privileges under this section, subject to Subsections (2) through (4)..

- (2) The operator of an authorized emergency vehicle may:
 - (a) Park or stand, irrespective of the provisions of this chapter;
 - (b) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;
 - (c) Exceed the maximum speed limits if the operator does not unreasonably endanger life or property; or
 - (d) Disregard regulations governing direction of movement or turning in specified directions.
- (3) Privileges granted under this section to an authorized emergency vehicle apply only when the vehicle sounds an audible signal under Section 41-6-146, UCA, or uses a visual signal as defined under Section 41-6-132, UCA, which is visible from in front of the vehicle.
- (4) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:
 - (a) the operator of the vehicle sounds both an audible signal under Section 41-6-146 and uses a visual signal as defined under Section 41-6-132, which is visible from in front of the vehicle;
 - (b) the public agency employing the operator of the vehicle has, in effect a written policy which describes the manner and circumstances in which any vehicle pursuit should be conducted and terminated.
 - (c) the operator of the vehicle has been trained in accordance with the written policy described in Subsection (4)(b); and
 - (d) the pursuit policy of the public agency is in conformance with standards established by the Department of Public Safety, Division of Peace Officer Standards and Training, which shall adopt minimum standards that shall be incorporated into all emergency pursuit policies adopted by public agencies authorized to operate emergency pursuit vehicles.
- (5) Except for Sections 119 and 242, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway. However, the entire chapter applies to those persons and vehicles when traveling to or from the work.

Sec. 93 Right of real property owner to regulate traffic. 41-6-18

This chapter does not prevent the owner of real property used by the public for the

purpose of vehicular travel by permission of the owner and not as matter of right, from prohibiting the use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating the use as preferred by the owner.

Sec. 94 Removal of brush, foliage or other obstruction impairing view. 41-6-19

- (1) The owner of real property shall remove from his/her property any tree, plant, shrub, or other obstruction, or part of it, which, by obstructing the view of any operator, constitutes a traffic hazard.
- (2) When the city transportation engineer or his agent determines upon the basis of an engineering and traffic investigation that a traffic hazard exists, he/she shall notify the owner and order that the hazard be removed within ten days. This section is not intended to raise civil or criminal liability against the City, its officers or employees for the failure to notify or order removal.
- (3) The failure of the owner to remove the traffic hazard within ten days is an infraction.
- (4) The city transportation engineer in his/her discretion may, after contacting the owner of such property, remove or have removed by someone contracted by the city or by the city any traffic hazard and bill the property owner for the removal of the hazard.

Article 4 Traffic-Control Devices

Sec. 95 Obeying devices/Obedience to. 41-6-23

(1) The operator of a vehicle shall obey the instructions or signal of any official traffic-control device placed or held in accordance with this chapter unless at the time he is otherwise directed by a peace officer and subject to the exceptions granted the operator of an authorized emergency vehicle.

(2) (a) Any provision of this chapter, for which official traffic-control devices are required, may not be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(b) When a particular section does not state that official traffic-control devices are required, the section is effective even though no devices are erected or in place.

(3) When official traffic-control devices are placed or held in a position approximately conforming to the requirements of this chapter, the devices are presumed to have been placed or held by the official act or direction of lawful authority, unless the contrary is

established by competent evidence.

(4) An official traffic-control device placed or held under this chapter and purporting to conform to the lawful requirements pertaining to that device is presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

**Sec. 96 Traffic-control signals. Meaning of colored lights and signals.
Right and duties of operators and pedestrians. 41-6-24**

- (1) When traffic is controlled by a traffic-control signal exhibiting different colored lights, or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow may be used, except for special pedestrian signals carrying a word legend. The lights shall indicate and apply to operators of vehicles and pedestrians as provided in this section.
- (2) "Green" indicates:
 - (a) (i) Except as provided in subsection (2)(a)(ii) in this section, vehicular traffic facing a circular green signal may:
 - (A) proceed straight through the intersection;
 - (B) turn right;
 - (C) turn left.
 - (ii) Vehicular traffic facing a circular green signal, including vehicles turning right or left:
 - (A) shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
 - (B) may not turn right or left if a sign at the intersection prohibits the turn.
- (b) Vehicular traffic facing a green arrow signal shown alone or in combination with another signal or instruction:
 - (i) may cautiously enter the intersection only to make the movement indicated by the arrow or other signal or instruction as shown at the same time; and
 - (ii) shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (c) Unless otherwise directed by a pedestrian-control signal under section 97, pedestrians facing any green signal except when the sole green signal is a turn arrow may proceed across the roadway within any marked or unmarked

crosswalk.

- (3) (a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the allowable movement permitted by a green signal is being terminated.
- (b) Unless otherwise directed by a pedestrian-control signal under Section 97, pedestrians facing a steady circular yellow or yellow arrow signal are advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway.
- (4) (a) Except as provided in subsection (4)(c), vehicular traffic facing a steady circular red or red arrow signal:
 - (i) may not enter the intersection unless entering the intersection to make a movement permitted by another indication; and
 - (ii) shall stop at a clearly marked stop line, but if none, before entering the marked or unmarked crosswalk on the near side of the intersection and shall remain stopped until a signal to proceed is shown.
- (b) Unless otherwise directed by a pedestrian-control signal, under section 97, pedestrians facing a steady red signal alone may not enter the roadway.
 - (i) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or may turn left from a one-way street into a one-way street which allows traffic in that direction, after stopping as required by subsection (4) (a) after yielding the right-of-way to any traffic lawfully within or approaching the intersection.
 - (ii) The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (5) (a) This section applies where an official traffic-control signal is erected and maintained at a place other than an intersection.
- (b) Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but, in the absence of any sign or marking, the stop shall be made prior to the near curb line of the intersecting roadway, but, if none, at the signal.
- (6) The operator of a vehicle approaching an intersection that has an official traffic-control signal that is inoperative shall stop before entering the intersection and shall yield the right-of-way to any vehicle as required under section 229.

When special pedestrian-control signals exhibiting the words "Walk", "Don't Walk", or other such pedestrian indications as allowed in the MUTCD, are in place the signals indicate:

- (1) Flashing or steady "Walk, or other symbol acceptable to the MUTCD", means a pedestrian facing the signal may proceed across the roadway in the direction of the signal and the operators of all vehicles shall yield the right-of-way to him.
- (2) Flashing or steady "Don't Walk, or any other red symbol acceptable to the MUTCD", means a pedestrian may not start to cross the roadway in the direction of the signal, but a pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" or approved other acceptable symbol is showing.

Sec. 98 Flashing red or yellow signals. Rights and duties of operators and pedestrians. 41-6-26

- (1) When an illuminated flashing red or yellow signal is used in a traffic signal or with a traffic sign, vehicular traffic shall obey it as follows:
 - (a) Flashing red stop signal: When a red signal is illuminated by rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the nearest side of the intersection or if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersection roadway before entering. The right to proceed is subject to the rules applicable after making a stop at a stop sign.
 - (b) Flashing yellow caution signal: When a yellow signal is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past the signal only with caution.
- (2) Pedestrians facing a flashing red or yellow signal may proceed to cross the roadway in a crosswalk only after ascertaining that it is safe to do so and then only with due caution. Operators of vehicles shall yield the right-of-way to pedestrians lawfully crossing a roadway at such intersections.
- (3) This section does not apply at railroad grade crossings. Provisions regarding vehicles approaching railroad grade crossings are under Section 288.

Sec. 99 Prohibition of unauthorized traffic-control devices. Commercial advertising. Public nuisance. 41-6-27

- (1) A person may not place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or authorized emergency vehicle flashing light, or which:

- (a) attempts to direct the movement of traffic;
 - (b) hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal; or
 - (c) which is of such brilliant illumination and so positioned as to blind or dazzle an operator on any adjacent highway.
- (2) A person may not place or maintain nor may any public authority permit upon any highway any traffic sign or signal bearing on it any commercial advertising except for business signs included as part of official motorist service panels approved by the Utah Department of Transportation. This provision does not prohibit the erection upon private property adjacent to highways of signs, which comply with all applicable zoning and building code provisions, giving useful directional information and of a type that may not be mistaken for official signs.
- (3) Every prohibited sign, signal, or light or marking is declared to be a public nuisance and the city transportation engineer or any peace officer may remove it or cause it to be removed by the owner of such sign, signal light, or marking, or by someone contracted by the city, or the city, after 3 days written notice to such owner.

Sec. 100 Interference with traffic-control devices prohibited. 41-6-28

A person may not without lawful authority attempt to, or in fact alter, deface, injure, knock down, drive into, interfere with, or remove any official traffic-control device or any railroad sign or signal or any inscription shield, or insignia on it, or any other part of it.

Sec. 101 Failure to observe restricted highway control devices. 41-6-76.10

- (1) When it is necessary because of construction or maintenance work or because of emergency to suspend all or part of the travel on a public highway or street or any portion of the highway or street the appropriate highway authority of the state, county, or city may restrict the use of, or close such highway, street, or portion thereof. When such highway, street, or portion is restricted or closed to travel, the highway authority shall cause suitable barriers and notices to be posted at the point where the detour road takes off from such closed or restricted highway or street and the detour shall be clearly indicated by signs and shall be adequately maintained. It is unlawful for any person to fail to observe any barricade, warning light, sign, or flagman warning the public that a highway or street or portion of a street is restricted or closed to traffic.
- (2) The operator of a vehicle shall yield the right of way to any:
- (a) authorized vehicle or pedestrian actually engaged in work upon the highway within any highway construction or maintenance area indicated by official traffic-control devices, or

- (b) authorized vehicle obviously and actually engaged in work upon a highway when the vehicle displays lights meeting the requirements of section 41-6-140.20 UCA.

Sec. 102 Authority to establish play streets.

The city transportation engineer may declare or proclaim any street, alley, or part of it as a play street. The city transportation engineer shall place or require the placement and maintenance of appropriate signs or devices in the roadway indicating and protecting the play area. When such signs or devices are in place and plainly visible, no person may operate a vehicle, park or permit his/her vehicle to remain parked upon the roadway of any street or alley so proclaimed and marked as a play street.

Sec. 103 Regulation by traffic devices. 41-6-22

The city transportation engineer is authorized to place and maintain traffic control devices as needed.

Sec. 104 Authority to close public streets.

No person shall close or attempt to close any public street by any means without written permission from the city transportation engineer except a member of the police or fire departments when required in the execution of their duties. Any street closure shall be done in accordance with the provisions of the MUTCD.

Sec. 105 Compliance with road excavation regulations.

- (1) No person may conduct an excavation within any public right-of-way without obtaining an excavation permit from the city transportation engineer.
- (2) The city transportation engineer shall establish regulations for traffic control in the vicinity of excavations. Any person who refuses to comply with such regulations will be in violation of this ordinance.

Sec. 106 Driving on new pavement.

No person may operate or cause to be operated any animal, or ride, drive or propel, or cause to be ridden, driven or propelled, any vehicle over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over or near which there is a person or a sign warning persons not to drive over or across such pavement, or a sign stating that the street is closed.

Article 5 Accidents

Sec. 107 REPEALED.

Sec. 108 Moving vehicles involved in accidents.

- (1) The operator of a vehicle involved in an accident resulting in injury to or death of any person shall not move or permit their vehicle to be moved from the position it was placed in by the force of the impact, until a police officer has arrived and allows the operator to move the vehicle. This section does not fulfill the requirements of section 41-6-29 UCA.
- (2) Any person guilty of violating this section 108 is guilty of a class B misdemeanor.

Sec. 109 Give name, render assistance. 41-6-31

- (1) The operator of a vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is operated or attended by any person shall:
 - (a) Give to any persons involved his or her name, address, and the registration number of the vehicle he/she is operating;
 - (b) Upon request, exhibit his or her operator's license to:
 - (i) any investigating peace officer present;
 - (ii) the person struck;
 - (iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and
 - (iv) the owner of property damaged in the accident, if present; and
 - (c) Render to any person injured in the collision reasonable assistance including the transporting, or the making of arrangements for the transporting of the person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if the transporting is requested by the injured person.
- (2) The operator of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$400 or more shall immediately and by the quickest means of communication available give notice of the accident to the nearest office of a law enforcement agency.
- (3) (a) If the operator of a vehicle is physically incapable of giving an immediate notice of an accident as required in Subsections (1) and (2) and there is another occupant in the vehicle at the time of the accident capable of giving an immediate notice, the occupant shall give or cause to be given the notice not given by the operator.

 (b) All passengers who were in a vehicle involved in an accident defined in this section are required to remain at the scene until a peace officer arrives and

releases each. This section does not apply to passengers who leave the scene to seek immediate medical care either for themselves or for another, or who attempt to comply with subsection (3)(a).

- (4) If the operator is physically incapable of making a written report of an accident when required under Section 113.5 and he is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.
- (5) Any person found guilty of violating this section 109 is guilty of a class C misdemeanor.

Sec. 110 Accident involving damage to vehicle or other property. 41-6-30

The operator of a vehicle involved in an accident resulting in damage to a vehicle or other property which is operated or attended by any person shall immediately stop the vehicle at the scene of the accident or as close to it as possible, and shall immediately return to and remain at the scene of the accident until he has fulfilled the requirements of Section 109. The stop may not obstruct traffic more than is necessary. A person found guilty of violating this section is guilty of a class C misdemeanor.

Sec. 111 Concealing identity.

No person involved in an accident shall conceal his or her identity, falsely identify himself or herself, or give false information to any police officer. Any person guilty of violating this section 111 is guilty of a class B misdemeanor.

Sec. 112 Collision with unattended vehicle. 41-6-32

The operator of a vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended and which results in damage to the other vehicle or property shall immediately stop and either locate and notify the operator or owner of the vehicle or the owner of other property of the operator's name and address and the registration number of the vehicle causing the damage, or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving the operator's name, address and the registration number of the vehicle causing the damage. If applicable, the operator shall also give notice under Subsection 109 (2) and (3). Any person failing to comply with these requirements is guilty of a Class C Misdemeanor.

Sec. 113 Accident reports. Duty of operator, witnesses, and investigating officer to forward or render. Supplemental reports. 41-6-35

- (1) The Financial Responsibility Division of the Department of Public Safety of the State of Utah may require an operator of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the

apparent extent set by state law or more to forward within ten days after the request:

- (a) a written report of the accident to the department; and
 - (b) a supplemental report when the original report is insufficient in the opinion of the department.
- (2) The department may require witnesses of accidents to render reports to the department.
 - (3) A written accident report is not required under this section from any person who is physically incapable of making a report, during the period of his incapacity.
 - (4) (a) Every peace officer who in the regular course of duty investigates a motor vehicle accident described under subsection (1) shall file the original report of the accident with the department within ten days after completing the investigation.

(b) The report shall be made either at the time of and at the scene of the accident or later by interviewing participants or witnesses.
 - (5) The written reports required to be filed with the department by peace officers and the information in them are not privileged or confidential.
 - (6) The Sandy City Police Department shall furnish upon request to any applicant, that can show a need or lawful reason to have the information, copies of the officers' initial report of any traffic accident on file in such department. A standard fee, set by the Chief of Police, will be charged for each copy of the report.

Sec. 114 Open (repealed)

Sec. 115 Accident report form. Contents. 41-6-37

The police department shall furnish forms for accident reports required by this code. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose, with reference to the traffic accident, the apparent cause, conditions then existing and the persons and vehicles involved.

Sec. 116 Garage keeper to report damaged vehicle. 41-6-39

- (1) The person in charge of any garage or repair shop located in Sandy City who receives a vehicle which shows evidence of having been involved in an accident for which a written report may be requested under Section 113, or having been struck by any bullet, shall report the vehicle to the police department, within twenty- four hours after the vehicle is received by the garage or repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or operator of the vehicle.

- (2) If a damaged vehicle sticker describing the damage is affixed to the vehicle, a report under this section is not required.
- (3) Any person found guilty of violating this Section 116 is guilty of a class C misdemeanor.

**Sec. 117 Accident to livestock in highway. Duty of owner or keeper.
41-6-38**

- (1) The owner or person in immediate possessions of any livestock involved in an accident with any vehicle shall give notice and make report of such accident as required in sections 109 and 113.
- (2) A peace officer investigating an accident resulting in injury or death of any livestock shall make reasonable efforts as soon as possible to locate the owner of the livestock and inform the owner of the injured or dead animal.
- (3) Civil or criminal liability for claims does not arise against any peace officer for failure to locate the owner of the livestock or property. This subsection does not preclude disciplinary action by the department against a peace officer for failure to perform duties required by this section.

Sec. 118 open

Article 6 Qualifications of Drivers and DUI

**Sec. 119 Driving under the influence of alcohol, drugs, or with specified or
unsafe blood alcohol concentration -- measurement of blood or
breath alcohol -- Criminal punishment -- Arrest without warrant
-- Penalties - Suspension or revocation of license. 41-6-44**

- (1) As used in this section:
 - (a) "conviction" means any conviction for a violation of:
 - (i) this section;
 - (ii) alcohol, any drug, or a combination of both-related reckless driving under 41-6-44(9) and (10), U.C.A.;
 - (iii) Section 41-6-44.6, driving with any measurable controlled substance that is taken illegally in the body;
 - (iv) local ordinances similar to this section or alcohol, any drug, or a combination of both-reckless driving adopted in compliance with Section 41-6-43, U.C.A.;

(v) automobile homicide under Section 76-5-207, U.C.A.; or

(vi) a violation described in Subsections (1)(a)(i) through (v), which judgment of conviction is reduced under Section 76-3-402; or

(vii) statutes or ordinances in effect in any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of this section or alcohol, any drug, or a combination of both-related reckless driving if committed in this state, including punishments administered under 10 U.S.C. Sec. 185.;

(b) "educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;

(c) "screening and assessment" means a substance abuse addiction and dependency screening and assessment obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;

(d) "serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death;

(e) "substance abuse treatment" means treatment obtained at a substance abuse program that is approved by the Board of Substance Abuse in accordance with Section 62A-8-107, U.C.A.;

(f) "substance abuse treatment program" means a state licensed substance abuse program;

(g) a violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6-43, U.C.A.; and

(h) the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(2) (a) A person may not operate or be in actual physical control of a vehicle within this city if the person:

(i) has sufficient alcohol in his body that a chemical test shows that the person has a blood or breath alcohol concentration(1) of .08 grams or greater at the time of the test; or

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle.

- (iii) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.
 - (b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.
 - (c) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.
- (3) (a) A person convicted the first or second time of a violation of subsection (2) is guilty of a:
- (i) class B misdemeanor.
 - (ii) class A misdemeanor if the person:
 - (A) Has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.
 - (B) Had a passenger under 16 years of age in the vehicle at the time of the offense; or
 - (C) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.
 - (b) A person convicted of a violation of Subsection (2) is guilty of a third degree felony if the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.
- (4) (a) As part of any sentence imposed the court shall, upon a first conviction, impose a mandatory jail sentence of not less than 48 consecutive hours.
- (b) The court may, as an alternative to all or part of a jail sentence, require the person to :
- (i) work in a compensatory-service work program for not less than 24 hours; or
 - (ii) participate in home confinement through the use of electronic monitoring in accordance with 41-6-44(13) U.C.A.
 - (c) In addition to the jail sentence, compensatory-service work program, or home confinement, the court shall:
 - (i) order the person to participate in a screening and assessment;

(ii) order the person to participate in an educational series if the court does not order substance abuse treatment as described under subsection (d) below); and

(iii) impose a fine of not less than \$700;

(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.

(e) (i) Except as provided in Subsection 5(e)(ii), the court may order probation for the person in accordance with 41-6-44(14) U.C.A.

(ii) If there is admissible evidence that the person had a blood alcohol level of .16 or higher, the court shall order probation for the person in accordance with Subsection (14).

(5) (a) If a person is convicted under Subsection (3) within ten years of a prior violation under this section the court shall as part of any sentence impose a mandatory jail sentence of not less than 240 consecutive hours.

(b) The court may, as an alternative to jail, require the person to work in a compensatory-service work program for not less than 240 hours or participate in home confinement through the use of electronic monitoring in accordance with 41-6-44(13) U.C.A.

(c) In addition to the jail sentence, compensatory-service work program, or home confinement, the court shall:

(i) order the person to participate in a screening and assessment;

(ii) order the person to participate in an educational series if the court does not order substance abuse treatment.

(iii) impose a fine of not less than \$800.

(d) The court may order the person to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate.

(e) The court shall order probation for the person in accordance with Subsection 14.

(6) (a) A conviction for a violation of Subsection (2) is a third degree felony if it is:

(i) a third or subsequent conviction under this section within ten years of two or more prior convictions; or

(ii) At any time after a conviction of:

(A) automobile homicide under Section 76-5-207 that is committed after July 1, 2001; or

(B) A felony violation under this section that is committed after July 1, 2001.

(b) Any conviction described in this Subsection (6) which judgment of conviction is reduced under Section 76-3-402 is a conviction for purpose of this section.

(c) Under Subsection (3)(b) or (6)(a), if the court suspends the execution of a prison sentence and places the defendant on probation the court shall impose:

(i) A fine of not less than \$1,500; and

(ii) A mandatory jail sentence of not less than 1,500 hours.

(d) For Subsection (6)(a) or (c), the court shall impose an order requiring the person to obtain a screening and assessment and substance abuse treatment at a substance abuse treatment program providing intensive care of inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours.

(e) In addition to the penalties required under Subsection (6)(c), if the court orders probation, the probation shall be supervised probation which may include requiring the person to participate in home confinement through the use of electronic monitoring in accordance with Subsection (13).

(7) The mandatory portion of any sentence required under this section may not be suspended and the convicted person is not eligible for parole or probation until any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation under this section may not be terminated.

(8)(a)(i) The provisions in subsections (4), (5), and (6) that require a sentencing court to order a convicted person to: participate in a screening and assessment; and an educational series; obtain, in the discretion of the court, substance abuse treatment; obtain, mandatorily, substance abuse treatment; or do a combination of those things, apply to a conviction for a violation of 119.1 or 242 under subsection (9) below.

(ii) The court shall render the same order regarding screening and assessment, an educational series, or substance abuse treatment in connection with a first, second, or subsequent conviction under Section 242 under Subsection (9), as the court would render in connection with applying respectively, the first, second, or

subsequent conviction requirements of Subsections (4), (5), and (6).

(b) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered:

(A) screening and assessment;

(B) educational series;

(C) substance abuse treatment;

(D) and hours of work in compensatory-service work program; or fails to pay all fines and fees, including fees for restitution and treatment costs. Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with 53-3-221(2) and (3), U.C.A.

(9) (a) (i) When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of Section 242 or of an ordinance enacted under Section 41-6-43, U.C.A., or of 119.1 in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not there had been a combination of both, by the defendant in connection with the violation.

(ii) The statement is an offer of proof of the facts that shows whether there was consumption of alcohol, drugs, or a combination of both, by the defendant, in connection with the violation.

(b) The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of Section 242.

(c) The court shall notify the department of each conviction of Section 119.1 or of Section 242 entered under this of Subsection (9).

(10) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause(2) to believe the violation has occurred, although not in his presence, and if the officer has probable cause to believe that the violation was committed by the person.

(11)(a) The Driver License Division shall:

(i) suspend for 90 days the operator's license of a person convicted for the first time under subsection (2).

(ii) revoke for one year the license of a person convicted of any subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection (1) if the violation is committed within a period of ten years from the date of the prior violation; and

(iii) suspend or revoke the license of a person as ordered by the court under

Subsection (12).

(b) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

- (12) (a) In addition to any other penalties provided in this section, a court may order the operator's license of a person who is convicted of a violation of Subsection (2) to be suspended or revoked for an additional period of 90 days, 180 days, one year or two years to remove from the highways those persons who have shown they are safety hazards.

(b) If the court suspends or revokes the person's license under this Subsection (12)(b), the court shall prepare and send to the Driver License Division an order to suspend or revoke that person's driving privileges for a specified period of time.

- (13) (a) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.

(b) The electronic monitoring device shall be used under conditions which require:

- (i) the person to wear an electronic monitoring device at all times;
- (ii) that a device be placed in the home or other specified location of the person, so the person's compliance with the court's order may be monitored; and
- (iii) the person to pay the costs of the electronic monitoring.

(c) The court shall order the appropriate entity described in Subsection (13)(e) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.

(d) The court may:

- (i) require the person's electronic home monitoring device to include a substance abuse testing instrument;
- (ii) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;
- (iii) set specific time and location conditions that allow the person to attend school education classes, or employment and to travel directly between those activities and the person's home; and
- (iv) waive all or part of the costs associated with home confinement if the

person is determined to be indigent by the court.

(e) the electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provided.

(f) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (13)(c)(iv).

(14)(a) If supervised probation is ordered under Section 41-6-44.6 or Subsection (4)(e) or (5)(e):

- (i) the court shall specify the period of the probation;
- (ii) the person shall pay all of the costs of the probation; and
- (iii) the court may order any other conditions of the probation.

(b) The court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.

(c) The probation provider described in Subsection (14)(b) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this article and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.

(d)(i) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.

(ii) The probation provider described in Subsection (14)(b) shall cover the cost of waivers by the court under Subsection (14)(d)(i).

(15) If a person is convicted of a violation of Subsection (2) and there is admissible evidence that the person had a blood alcohol level of .16 or higher, then if the court does not order:

(a) treatment described under Subsection (4)(d), (5)(d), or (6)(d), then the court shall enter the reasons on the record; and

(b) the following penalties, the court shall enter the reasons on the record:

(i) the installation of an ignition interlock system as a condition of probation for the person in accordance with Section 41-6-44.7; or

(ii) the imposition of home confinement through the use of electronic monitoring in accordance with Subsection (13).

Sec. 119.1 Definitions -- Driving with any measurable controlled substance

in the body -- Penalties -- Arrest without warrant. 41-6-44.6

- (1) As used in this section:
 - (a) "Controlled substance" means any substance scheduled under Section 58-37-4, U.C.A.
 - (b) "Practitioner" has the same meaning as provided in Section 58-37-2.
 - (c) "Prescribe" has the same meaning as provided in Section 58-37-2.
 - (d) "Prescription" has the same meaning as provided in Section 58-37-2.
- (2) In cases not amounting to a violation of Section 119, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (3) It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily ingested by the accused or prescribed by a practitioner for use by the accused.
- (4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.
- (5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
- (6) The Driver License Division shall:
 - (a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);
 - (b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41-6-44(1), if the violation is committed within a period of ten years after the date of the prior violation; and
 - (c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.
- (7) If a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment, or fails to pay all fines and fees, including fees for restitution and treatment costs, the court shall notify the Driver License Division of a failure to comply. Upon receiving the notification,

the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

- (8) The court shall order supervised probation in accordance with Subsection 41-6-44(14) for a person convicted under Subsection (2).

Sec. 119.2 Ignition interlock devices -- Use -- Probationer to pay cost -- Impecuniosity - Fee. 41-6-44.7

- (1) As used in this section:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Ignition interlock system" or "system" means a constant monitoring device or any similar device certified by the commissioner that prevents a motor vehicle from being started without first determining the driver's breath alcohol concentration.

(2) (a) In addition to any other penalties imposed by Section 119, and in addition to any requirements imposed as a condition of probation, the court may require that any person who is convicted or violating Section 119 and who is granted probation may not operate a motor vehicle during the period of probation unless that motor vehicle is equipped with a functioning, certified interlock system installed and calibrated so that the motor vehicle will not start if the operator's blood alcohol concentration exceeds a level ordered by the court.

(b) If a person convicted of violating Section 119 was under the age of 21 when the violation occurred, the court shall order the installation of the ignition interlock system as a condition of probation.

(c) (i) If a person is convicted of a violation of 119.2 within six years of a prior conviction of that section, the court shall order the installation of the ignition interlock system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person for three years from the date of conviction.

(d) This section does not apply to a person convicted of a violation of Section 41-6-44 whose violation involves drugs other than alcohol.

(3) Except as provided in 119.2(2)(c), if the court imposes the use of an ignition interlock system as a condition of probation, the court shall:

(a) Stipulate on the record the requirement for and the period of the use of an ignition interlock system;

(b) order that an ignition interlock system be installed on each motor vehicle owned or operated by the probationer, at the probationer's expense.

(c) order the probationer to submit his driver license to the Driver License Division in accordance with subsection (5);

(d) immediately notify the Driver License Division and the person's probation provider of the order; and

(e) require the probationer to provide proof of compliance with the court's order to the probation provider within 30 days of the order.

(4) (a) The probationer shall provide timely proof of installation within 30 days of an order imposing the use of a system or show cause why the order was not complied with to the court or to the probationer's probation provider.

(b) The probation provider shall notify the court of failure to comply under subsection (4)(a).

(c) For failure to comply under subsection (4)(a) or upon receiving the notification under subsection (4)(b), the court shall order the Driver License Division to suspend the probationer's driving privileges for the remaining period during which the compliance was imposed.

(d) Cause for failure to comply means any reason the court finds sufficiently justifiable to excuse the probationer's failure to comply with the court's order.

(5) (a) If use of an ignition interlock system is required under this section, the division may not issue, reinstate, or renew the driver license of that person unless that requirement is coded on the person's driver license.

(b) (i) If the division receives a notice that a person with a valid driver license that does not require a driver license withdrawal is required to cause an ignition interlock system, the division shall notify the person that he has ten calendar days to apply to the division for an ignition interlock system requirement coded on the license.

(ii) The division shall suspend the driver license of the person after the ten-day period until the person applies to the division for an ignition interlock system requirement coded on the license.

(6) (a) Any probationer required to install an ignition interlock system shall have the system monitored by the manufacturer or dealer of the system for proper use and accuracy at least semiannually and more frequently as the court may order.

(b) (i) A report of the monitoring shall be issued by the manufacturer or dealer to the court of the person's probation provider.

(ii) The report shall be issued within 14 days following each monitoring

(7) (a) If an ignition interlock system is ordered installed, the probationer shall pay the reasonable costs of leasing or buying and installing and maintaining the system.

(b) A probationer may not be excluded from this section for inability to pay the costs, unless:

- (i) the probationer files an affidavit of impecuniosity; and
- (ii) the court enters a finding that the probationer is impecunious.

(c) In lieu of waiver of the entire amount of the cost, the court may direct the probationer to make partial or installment payments of costs when appropriate.

(d) The ignition interlock provider shall cover the cost of waivers by the court under this Subsection 7..

(8) (a) If a probationer is required in the course and scope of employment to operate a motor vehicle owned by the probationer's employer, the probationer may operate that motor vehicle in the course and scope of employment without installation of an ignition interlock system only if the employer has been notified that the employee is restricted and the employee has proof of the notification in his possession while operating the employer's motor vehicle.

(b) (i) To the extent that an employer-owned motor vehicle is made available to a probationer subject to this section for personal use, no exemption under this section shall apply.

(ii) A probationer intending to operate an employer-owned motor vehicle for personal use and who is restricted to the operating of a motor vehicle equipped with an ignition interlock system shall notify the employer and obtain consent in writing from the employer to install a system in the employer-owned motor vehicle.

(c) A motor vehicle owned by a business entity that is all or partly owned or controlled by a probationer subject to this section is not a motor vehicle owned by the employer and does not qualify for an exemption under this subsection (9).

(9) Upon conviction for violation of this section, the court shall notify the Driver License Division to immediately suspend the probationer's license to operate a motor vehicle for the remainder of the period of probation.

(10) (a) It is a class B misdemeanor for a person to:

(i) Circumvent or tamper with the operation of an ignition interlock system;

(ii) knowingly furnish a motor vehicle without an ignition interlock system to someone who is not authorized to drive a motor vehicle unless the motor vehicle is equipped with an ignition interlock system that is in working order.

(iii) rent, lease, or borrow a motor vehicle without an ignition interlock system if a driving restriction is imposed under this section;

(iv) request another person to blow into an ignition interlock system, if the person is required to have a system, and the person requests or solicits another to blow into the system to start the motor vehicle in order to circumvent the system;

(v) blow into an ignition interlock system or start a motor vehicle

equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to another person required to have a system;

(vi) advertise for sale, offer for sale, or lease an ignition interlock system unless the system has been certified by the commissioner and the manufacturer of the system has affixed a warning label, as approved by the commissioner on the system, stating that the tampering, circumventing, or other misuse of the system is a class B misdemeanor; or

(vii) operate a motor vehicle in violation of any ignition interlock restriction.

(b) This subsection (10) does not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock system is done for the purpose of safety or mechanical repair of the system or the motor vehicle and the person subject to the court order does not drive the motor vehicle.

(11) (a) In accordance with Title 63, Chapter 36a, Utah Administrative Rulemaking Act, the commissioner shall make rules setting standards for the certification of ignition interlock system.

(b) The standard shall require that the system:

(i) not impede the safe operation of the motor vehicle;

(ii) have features that make circumventing difficult and that do not interfere with the normal use of the motor vehicle.

(iii) require a deep lung breath sample as a measure of breath alcohol concentration;

(iv) prevent the motor vehicle from being started if the driver's breath alcohol concentration exceeds an ordered level;

(v) work accurately and reliably in an unsupervised environment;

(vi) resist tampering and give evidence if tampering is attempted;

(vii) operate reliably over the range of motor vehicle environments;

(viii) be manufactured by a party who will provide liability insurance.

(c) The commissioner may adopt in whole or in part, the guidelines, rules, studies, or independent laboratory tests relied upon by certification of ignition interlock systems by other states.

(d) A list of certified systems shall be published by the commissioner and the cost of certification shall be borne by the manufacturers or dealers of ignition interlock systems seeking to sell, offer for sale, or lease the systems.

(e) In accordance with Section 63-38-3.2, the commissioner may establish an

annual dollar assessment against the manufacturers of ignition interlock systems, distributed in the state for the costs incurred in certifying. The assessment shall be apportioned among the manufacturers on a fair and reasonable basis.

Sec. 120 Standards for chemical breath analysis - Evidence. 41-6-44.3

- (1) The commissioner of the Department of Public Safety for the State of Utah, shall establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.
- (2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions or events to prove that the analysis was made and the instrument used was accurate, according to standards established in subsection (1), are admissible if:
 - (a) The judge finds that they were made in the regular course of the investigation at or about the time of the act, condition or event; and
 - (b) The source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
 - (c) If the judge finds that the standards established under subsection (1) and the conditions of subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.
- (3) This Section 120 was enacted to be in harmony with and in substance the same as Section 41-6-44.3, U.C.A.

Sec. 121 Admissibility of chemical test results in actions for driving under the influence -- Weight of evidence. 41-6-44.5

- (1)
 - (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of a vehicle while under the influence of alcohol or drugs or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized under Section 123 are admissible as evidence.
 - (b) In a criminal proceeding, noncompliance with Section 123 does not render the results of a chemical test inadmissible. Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by the Rules of Evidence or the constitution.
- (2) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time

relevant to the alleged offense.

- (3) This Section 121 was enacted to be in harmony with and in substance the same as Section 41-6-44.5, U.C.A.

Sec. 122 Open. Repealed.

Sec. 123 Implied consent to chemical tests for alcohol or drug --Number of tests - Refusal -- Warning, report -- Hearing, revocation of license -- Appeal -- Person incapable of refusal -- Results of test available -- Who may give test -- Evidence. 41-6-44.10

- (1) (a) A person operating a motor vehicle in this state is considered to have given his consent to a chemical test or tests of his breath, blood, or urine for the purpose of determining whether he was operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 119 or 41-6-44.4, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 119, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 119, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 119 or 41-6-44.4, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 119, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 119.1.

- (b) (i) The peace officer determines which of the tests are administered and how many of them, are administered.

(ii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though he does submit to any other requested tests, is a refusal under this section.

- (c) (i) A person who has been requested under this section to submit to a chemical test or tests of his breath, blood, or urine, may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

- (2) (a) If the person has been placed under arrest and then been requested by a peace officer to submit to any one or more of the chemical tests under subsection (1) and refuses to submit to the chemical test or any one or all of the tests requested,

the person shall be warned by a police officer requesting the test or tests that a refusal to submit to the test or tests can result in revocation of his license to operate a motor vehicle.

(b) Following this warning, unless the person immediately requests the chemical test or tests as offered by a peace officer be administered a peace officer shall serve on the person, on behalf of the Driver License Division, immediate notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle. When the officer serves the immediate notice on behalf of the Driver License Division, he shall:

- (i) take the Utah license certificate or permit, if any, of the operator;
- (ii) issue a temporary license effective for only 29 days; and
- (iii) supply to the operator, on a form approved by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

(c) A citation issued by a peace officer may, if approved as to form by the Driver License Division, serve also as the temporary license.

- (3) Any person who is dead, unconscious, or in any other condition rendering him incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in subsection (1), and the test or tests may be administered whether the person has been arrested or not.
- (4) Upon the request of the person who was tested, the results of the test or tests shall be made available to him.
- (5)
 - (a) Only a physician, registered nurse, practical nurse or person authorized under subsection 26-1-30, acting at the request of a peace officer, may withdraw blood for the purpose of determining alcohol or drug content. This limitation does not apply to the taking of a urine or breath specimen.
 - (b) Any physician, registered nurse, practical nurse or person authorized under subsection 26-1-30(19) who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.
- (6)
 - (a) The person to be tested may, at his own expense, have a physician of his own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.
 - (b) The failure or inability to obtain the additional test does not affect the

admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

- (7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician or other person present as a condition for the taking of any test.
- (8) If a person under arrest refuses to submit to a chemical test or tests or any additional test under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of alcohol and any drug, or while having any measurable controlled substance or metabolite of a controlled substance in the person's body.

Sec. 124 Drinking in vehicle, open container. 41-6-44.20

- (1) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped or parked.
- (2) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway, any container which contains any alcoholic beverage if the container has been opened, its seal broken or the contents of the container partially consumed.
- (3) In this section:
 - (a) "Alcoholic beverage" has the meaning given in section 32-1-3, U.C.A.
 - (b) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers and includes areas accessible to them while traveling, such as a utility or glove compartment but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
- (4) Subsections (1) and (2) do not apply to passengers in the living quarters of a motor home or camper.
- (5) Subsection (2) does not apply to passengers traveling in any licensed taxicab or bus.
- (6) Any person convicted of a violation of this section is guilty of a class C

misdemeanor.

- (7) This Section 124 was enacted to be in harmony with and in substance the same as Section 41-6-44.20, U.C.A.

Sec. 125 Impoundment of vehicles. 41-6-44.30

The State legislature finds that it is contrary to the safety of the public to leave vehicles unattended on highways.

- (1) If a peace officer arrests or cites the operator of a vehicle for violating Sections 119, or 123, the officer shall seize and impound the vehicle, except as provided under subsection (2).
- (2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the officer may release the vehicle to that registered owner, but only if the registered owner:
 - (a) Requests to remove the vehicle from the scene;
 - (b) Presents to the officer a valid operator's license and sufficient identification to prove ownership of the vehicle;
 - (c) Complies with all restrictions of his operator's license; and
 - (d) Would not, in the judgment of the officer, be in violation of Section 41-6-44 or 41-6-44.10, if permitted to operate the vehicle, and if the vehicle itself is legally operable.
- (3) An officer who impounds a vehicle under this section shall remove, or cause the vehicle to be removed, to a state tax impound yard designated by the state department of motor vehicles. The peace officer or agency by whom the officer is employed shall state the operator's name, a description of the vehicle, its identification number, if any, its license number, the date, time and place of impoundment, the reason for impoundment, and the name of the garage or place where the vehicle is stored.
- (4) The registered owner of the vehicle upon the payment of all fees and charges incurred in the seizure and impoundment of such owner's vehicle has a cause of action for all fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle whose actions caused the impoundment.
- (5) No liability may be imposed upon any peace officer, the state, or any of its political subdivisions on account of the enforcement of this section.
- (6) This Section 125 was enacted to be in harmony with and in substance the same as Section 41-6-44.30, U.C.A.

Sec. 126 Intoxicated pedestrian 41-6-82(5)

Sec. 127 **Permitting use by habitual user.**

Sec. 128 Intoxicated person in or about a vehicle.

Sec. 129 Incapable operators.

Sec. 130 Permitting incapable operators to operate.

Sec. 131 Incompetent operators. **53-3-204**

Sec. 132 Permitting incompetent operator to operate.

- (1) The owner of a motor vehicle causing or knowingly permitting a minor younger than 18 years of age to operate the vehicle upon a highway, or a person who gives or furnishes a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages caused by the negligence of the minor in operating the vehicle. This liability provision is an exception to any conflicting provisions in the code regarding liability. 53-3-212
- (2) It is unlawful for the owner, or any other person, employing or otherwise directing the operator of any vehicle to require or knowingly permit the operation of a vehicle upon a highway in any manner contrary to law.
- (3) A person may not authorize or knowingly permit a motor vehicle owned by him or under his control to be operated by a person in violation of Section 53-3-203,

U.C.A.

- (4) (a) A person may not rent a motor vehicle to another person unless the latter person is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of his residence. 53-3-203
- (b) A person may not rent a motor vehicle to another person until he has inspected the license certificate of the latter person and verified the signature on the license by comparison with the signature of that person written in his presence. 53-3-203
- (5) A person renting a motor vehicle to another shall keep a record of the registration number of the rented motor vehicle, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person, and the date and place the license was issued. The record shall be open to inspection by any peace officer or officer or employee of the division. 53-3-203

Sec. 133 Operator's license

- (1) (a) No person, except one expressly exempted under Section 41-2-107, 41-2-108 or 53-2-210, or subsection 41-2-121(4), or Chapter 22, Title 41, U.C.A., may operate a motor vehicle on the streets of Sandy City unless the person is licensed to operate by the State of Utah or by his/her home state or country. 53-3-202
- (b) No person, except those exempted under Section 41-2- 107 U.C.A., may operate or, while within the passenger compartment of a vehicle, exercise any degree or form of physical control of a vehicle being towed by a motor vehicle upon a highway unless the person holds a valid license issued under the laws of the State of Utah for the type or class of vehicle being towed. 53-3-202
- (2) (a) The licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display it upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the Operators License Department of the State of Utah. 53-3-217(1)(a)
- (b) It is a defense to charge under this section that the person charged produces in court a license issued to him/her and valid at the time of his citation or arrest. 53-3-217(a)
- (3) It is a class B misdemeanor for a person to operate a motor vehicle in violation of the restrictions imposed in a restricted operator's license granted to him/her by the State of Utah or by his/her home, state or country. 53-3-208
- (4) A person whose operator's license has been suspended or revoked and who operates any motor vehicle upon the streets or highways of this city while that license is suspended or revoked, is guilty of a crime, and upon conviction shall be

punished as provided for in Section 53-3-227.

(5) Violation of license provisions. 53-3-229

It is a class C misdemeanor for a person to:

- (a) display or cause or permit to be displayed or to have in possession any license knowing it is fictitious or has been canceled, revoked, suspended, or altered;
 - (b) lend, or knowingly permit the use of a license issued to him/her, by a person not entitled to it;
 - (c) display or to represent as his/her own a license not issued to him/her;
 - (d) permit any other prohibited use of a license issued to him/her.
- (6) An operator may operate while having an instruction permit in his immediate possession upon the highways in conformance with the restrictions indicated on the permit. 53-3-210
- (7) Any peace officer acting in his official capacity may take possession of any certificate of title, registration card, decal, permit, license, or registration plate or any other article issued by the state:
- (a) upon expiration, suspension, revocation, alteration, or cancellation of it;
 - (b) which is fictitious;
 - (c) which has been unlawfully or erroneously issued; or
 - (d) which is unlawfully or erroneously displayed. 53-3-226

Sec. 134.1 No Fault Insurance

31-47-13

- (1) It is unlawful for any owner of a motor vehicle with respect to which a security is required under Utah no-fault insurance laws to operate or allow to be operated a vehicle within the corporate limits or Sandy City without security being in effect as required by the Utah Automobile No-Fault Insurance Act.
- (2) It is unlawful for a person to operate or allow to be operated a motor vehicle which is subject to the requirements of insurance contained in the Utah Automobile No Fault Insurance Act, Section 31-41-1, et seq., anywhere within the corporate limits of Sandy City knowing that the owner of said motor vehicle does not have security in effect as required by the Utah No-Fault Insurance Act.
- (3) No person charged with a violation of subsections (1) or (2) shall be convicted of a violation if he/she produces reasonable evidence in court that a security was in effect at the time of his/her arrest or at the time he/she was issued a citation for failure to have such evidence in his/her possession. Evidence of security being in effect may be in the form of an identification card approved by the Utah

Department of Public Safety for issuance by an insurer to its insured with respect to the motor vehicle.

- (4) Any person guilty of violating this Section 134 is guilty of a class B misdemeanor.

Sec. 134.2 Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties. 41-12a-303.2

- (1) As used in this section:
- (a) "Division" means the Motor Vehicle Division of the State Tax Commission; and
 - (b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.
- (2) (a) (i) Except as provided in Subsection (ii), a person operating a motor vehicle shall:
- (A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and
 - (B) display it upon demand of a peace officer.
- (ii) A person operating a government-owned or leased motor vehicle is exempt from the requirements of Subsection (i).
- (b) Evidence of owner's or operator's security includes any one of the following:
- (i) a copy of the operator's valid:
 - (A) insurance policy;
 - (B) binder notice;
 - (C) renewal notice; or
 - (D) card issued by an insurance company as evidence of insurance;
 - (E) insurance policy declaration page;
 - (ii) a certificate of insurance issued under Section 41-12a-402;
 - (iii) a certified copy of a surety bond issued under Section 41-12a-405;
 - (iv) a certificate of the state treasurer issued under Section 41-12a-406; or
 - (v) a certificate of self-funded coverage issued under Section 41-12a-407.
 - (vi) information that the vehicle or driver is insured from the Uninsured

Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, U.C.A.

(c) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under subsection (2)(b)(i)(C) or (E).

- (3) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.
- (4) (a) Evidence of owner's or operator's security as defined in subsection (2)(b) except subsections (2)(b)(i)(C) or (E) or a written statement from an insurance agent or company verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of subsection (3) and Section 41-12a-804, U.C.A.
- (5) A violation of this section is a class B misdemeanor, and the fine shall not be less than:
 - (a) \$400 for a first offense; and
 - (b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

Sec. 134.5 Vehicle accident. Investigation and report of operator security. Agency action if no security. Surrender of plates. Penalties. 41-6-35.5

- (1) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.
- (2) The peace officer shall record on a form approved by the department:
 - (a) the information provided by the operator;
 - (b) whether the operator provided insufficient or no information; and
 - (c) if he finds reasonable cause to believe that any information given is not correct.
- (3) The peace officer shall deposit all completed forms with his agency, which shall forward the forms to the Department of Public Safety no later than ten days after receipt.

- (4) In this section, "evidence of owner's or operator's security" means:
- (a) a copy of the operator's valid:
 - (i) insurance policy;
 - (ii) binder notice;
 - (iii) renewal notice; or
 - (iv) card issued by an insurance company as evidence of insurance;
 - (b) a certificate of insurance issued under Section 41-12-402.
 - (c) a certified copy of a surety bond issued under Section 41-12a-405;
 - (d) a certificate of the state treasurer issued under Section 41-12a-406; or
 - (e) a certificate of self-funded coverage issued under Section 41-12a-407.
- (8) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:
- (a) when requested to provide security information under Subsection (1), or Section 41-12a-302, provides false information;
 - (b) falsely represents to the department that security required under this chapter is in effect; or
 - (c) sells a vehicle to avoid the penalties of this section as applicable to either himself or a third party.

Article 7 Speed

Sec. 135 Prima facie limit [Posted Limits]. 41-6-47

- (1) It is unlawful for a person to operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- (2) Any speed in excess of the limits specified in Section 137 of this code is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful under subsection (1) of this section.
- (3) The City Transportation Engineer may determine, on the basis of an engineering and traffic investigation, a reasonable and safe prima facie speed limit different than that specified in Section 137 of this code. Such speed limit is effective when appropriate signs giving notice are erected at an intersection or other place or part of a street. When such signs are in place, any speed in excess of the posted limits

is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful under subsection (1) of this section.

Sec. 136 Speed regulations -- Safe and appropriate speeds at certain locations -- Prima facie speed limits.41-6-46(1)

(1) A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:

- (a) Approaching and crossing an intersection or railroad grade crossing;
 - (b) Approaching and going around a curve;
 - (c) Approaching a hill crest;
 - (d) Traveling upon any narrow or winding roadway; and
 - (e) Special hazards exist due to pedestrians or other traffic or by reason of weather or highway conditions
- (2) If no special hazard exists, and subject to Section 135, the following speeds are lawful:
 - (a) 20 miles per hour in a reduced speed school zone as defined in Section 137;
 - (b) 25 miles per hour in any urban district;
 - (c) 65 miles per hour on highways where the speed limit does not impair the ability of the state to qualify for federal highway funds; and
 - (d) 55 miles per hour in other locations.
- (3) .Except as provided in Sections 135 and 137, any speed in excess of the limits provided in subsection (2) is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

**Sec. 137 Definition of reduced speed school zone -- Maximum speed in
school zone -- Operation of warning lights - School crossing guard
requirements -- Responsibility provisions -- Rulemaking authority
-- Penalty, Minimum fines, Community service - waiver,
recordkeeping.**

- (1) As used in this section "reduced speed school zone" means a designated length of a highway extending from a school speed limit sign while the warning lights are operating to an end school zone sign.
- (2) While children are going to or leaving school during opening and closing hours all reduced speed school zones shall have:

- (a) the warning lights operating on each school speed limit sign; and
 - (b) a school crossing guard present if the reduced speed school zone is for an elementary school.
- (3) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined above.
- (4) (a) A violation of this section is an infraction and the minimum fine:
- (i) for a first offense shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21-29 MPH	\$ 50
30-39 MPH	\$125
40 MPH and greater	\$275

- (ii) for a second and subsequent offense within three years or a previous conviction or bail forfeiture shall be calculated according to the following schedule:

Vehicle Speed	Minimum Fine
21-29 MPH	\$ 50
30-39 MPH	\$225
40 MPH or greater	\$525

- (b) (i) Except as provided under Subsection (ii), the court may order the person to perform community service in lieu of the fine or any portion of the fine.

- (ii) The court shall order the person to perform community service observing a crossing guard if the conviction is for a:

- (a) first offense with a vehicle speed of 30 miles per hour or more;
- or

- (b) second and subsequent offense within three years of a previous conviction or bail forfeiture.

- (iii) The court may waive the community service required under Subsection (ii) if the court makes the reasons for the waiver part of the record.

Sec. 138 Driving too slow.

41-6-49

A person may not operate a motor vehicle at a speed as to impede or block the normal

and reasonable movement of traffic except when:

- (a) reduced speed is necessary for safe operation;
- (b) upon a grade; or
- (c) in compliance with official traffic control devices.

Sec. 139 Speed or acceleration contests. 41-6-51

- (1) A person may not engage in any vehicle exhibition of speed or engage in any speed contest on any street or alley or aid or abet in any motor vehicle speed contest or exhibition on any street or alley.
- (2) A person may not, for the purpose of facilitating, aiding or inducing any vehicle speed contest or exhibition or vehicle acceleration contest or exhibition in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any street or alley.

Sec. 140 Violation, speed to be stated; Photo Radar. 41-6-52

(1) In every charge of violation of any speed provision of this article, the complaint and summons or notice to appear shall specify the speed at which the defendant is alleged to have operated a vehicle, and the prima facie speed applicable within the district or at the location.

(2) Photo-Radar Enforcement. 41-6-52.5

(a) This section shall apply to all informations and summons issued pursuant to the use of photo-radar in Sandy City.

(b) The use of photo-radar traffic enforcement is authorized in school zones and in all other areas of the City; provided, however, that prior to issuing citations, summons, or informations for violations in areas other than school zones, the Police Department shall determine that there exists a demonstrable public safety need for such enforcement. Such determinations shall be made at the sole discretion of the Police Chief.

(3) Definition. Photo-radar means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and a camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle travelling in excess of the legal speed limit, with the vehicle's speed, the date, time of day and location of the violation printed on the photograph.

(4) If, through the use of photo-radar, there exists probable cause to believe that a traffic code violation has occurred, the City may:

(a) Mail, or cause to be mailed, a summons to the registered owner of the alleged violating vehicle;

(b) Personally serve, or cause to be personally served, a summons to the

registered owner of the vehicle.

(5) The owner of a vehicle who is served with a summons, either by mail or personally, shall:

(a) Complete the summons form, including but not limited to the following:

(i) Identify and provide to Sandy City the name of the owner of the vehicle, if known; and/or

(ii) Identify and provide to Sandy City the name of the driver of the vehicle, if known; and

(iii) Identify the driver's driver license number, if known; and

(iv) Identify the driver's date of birth, if known.

(b) Return the completed summons, as the summons directs and within the time specified on the summons. The specified time for return of the summons may not be less than 14 days from the date of mailing or service of the summons.

(6) Failure to return the completed summons form within the specified time is a violation of this ordinance.

(7) Intentionally or knowingly withholding the information required in Section (5)(a), is a violation of this ordinance.

(8) Any violation of Sections 4, 5, or 6 is an infraction.

Article 8 Parking

Sec. 141 Parallel to curb

41-6-104(1)

No person shall stand or park a vehicle on a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within twelve inches of the curb or edge of the roadway except as otherwise provided in this article.

Sec. 142 Angle parking, Restriction on, and Obedience to signs or markings

41-6-104

- (1) Angle parking shall not be permitted upon the streets or parts of streets except as otherwise provided in this article. If parking other than parallel parking is to be required, the City Traffic Engineer shall mark or sign such streets or parts of streets and also indicate the angle of such parking.
- (2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street

or upon any railroad tracks.

- (3) In no case shall any angle parked vehicle extend from the curb or edge of the roadway a greater distance than one-third of the width of the roadway.
- (4) Where signs or traffic markings have been placed by the City Transportation Engineer after a comprehensive study no person shall park or stand a vehicle other than between such traffic markings or at any angle to the curb or edge of the roadway other than indicated by such sign or traffic marking.

Sec. 143 Hazards and congested places.

When official signs or markings are erected at hazardous or congested places, no person or persons shall stop, stand, or park a vehicle in such designated place.

Sec. 144 Cutbacks.

No cutbacks shall be constructed between a curb line and a sidewalk of any street unless in accordance with a permit issued therefor by the City or recommendation of the City Transportation Engineer. Every such cutback must be so constructed that vehicles must park at an angle not to exceed forty-five degrees, and the front of said cutback must not be less than fifteen feet beyond the said curb line and at least three feet from the outer edge of the sidewalks.

Sec. 145 Motor vehicles left unattended. Brakes to be set and engines stopped. 41-6-105

No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key nor when such motor vehicle is standing upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.

Sec. 146 Police officer to move vehicle illegally parked. 41-6-102

Whenever any police officer finds a vehicle parked or standing upon a street in violation of any of the provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main traveled part of such street.

Sec. 147 Stopping or parking on roadways without curb. 41-6-104

- (1) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any roadway, constructed without a curb, when it is practical to stop, park or so leave such vehicle off said roadway. In every event such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the roadway opposite the standing vehicle left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available.

- (2) This section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

**Sec. 148 Stopping or parking. Prohibition as to specified areas.
41-6-103**

- (1) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device in any of the following places:
- (a) On a sidewalk area;
 - (b) In front of, within five feet of, or directly across from a public or private driveway;
 - (c) Within an intersection or within thirty feet of any intersection.
 - (d) Within fifteen feet of a fire hydrant as measured in both directions along the street or highway curb line from a line extending from center of the hydrant;
 - (e) On a crosswalk;
 - (f) Within twenty feet of a crosswalk at an intersection or ten feet if crosswalk not at an intersection;
 - (g) Within thirty feet upon the approach to any flashing beacon or stop or yield signs or traffic control device located at the side of a roadway;
 - (h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless authorized signs or markings indicate a different length;
 - (i) Upon or within fifty feet of the nearest rail of a railroad crossing;
 - (j) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when properly sign posted;
 - (k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;
 - (l) Upon any bridge or other elevated structure upon a street or within a street tunnel or underpass;
 - (m) At any place where official signs or traffic markings prohibit stopping, standing or parking;
 - (n) With the left-hand side of the vehicle to the curb except as otherwise

permitted on one-way street;

- (o) At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any officially installed signs; said signs to be installed by the City Transportation Engineer pursuant to the authority granted in this code.
 - (p) On any footpath in any park or playground;
 - (q) On any median or island or on any dividing section as defined in Section 22 of this code.
 - (r) With its wheel or wheels on, or the vehicle straddling, a line marking individual parking stalls.
- (2) No person shall move a vehicle under his/her control into any such prohibited area or upon any area not designated for vehicular travel or parking.

Sec. 149 Double parking, standing or stopping. 41-6-103(1a)

No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped except while actually loading or unloading passengers or in compliance with direction of a police officer or traffic-control device or when necessary to avoid other traffic.

Sec. 150 Approach to parking space.

- (1) No person shall move his/her vehicle in any manner or leave a parking space and then re-enter it to avoid the intent of this code.
- (2) Every driver about to enter a parking space being vacated shall stop his/her vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.
- (3) No driver shall stop his/her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.
- (4) No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

Sec. 151 Parking not to obstruct traffic.

- (1) No person shall park any vehicle upon a street with an unmarked traffic travel lane in such a manner or under such conditions as to leave available less than ten feet of the width of the traffic lane for free movement of vehicular traffic.

- (2) No person shall park any vehicle in such a manner or under such conditions as to obstruct any sidewalk, crossing, or private driveway.
- (3) In no case shall any person park any vehicle within a marked traffic travel lane. Where parking is permitted, no vehicle may be parked with any portion of that vehicle projecting over or upon a solid white edge line.

Sec. 152 Parking in alleys.

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property or interfere with the free movement of traffic through the alley.

Sec. 153 Snow removal - parking prohibited.

- (1) No person shall park a vehicle on any street from November 1 to April 30 for a period of time longer than 1 hour between the hours of 12:00 a.m. and 7:00 a.m. of any day except during emergency calls. Overnight parking on any street, during the period herein specified, is hereby prohibited.
- (2) No person shall park or leave a vehicle on any street during any snow storm nor shall such vehicle be parked on said street within twenty-four hours after the end of such storm.
- (3) Whenever any police officer finds a vehicle upon a street in violation of the provisions of this section, such officer is hereby authorized to cause such vehicle to be removed.
- (4) No person who owns or has possession, custody or control of any vehicle shall park said vehicle upon any street or alley for more than a consecutive period of 24 (twenty-four) hours.

Sec. 154 Parking for certain purposes prohibited.

- (1) No person shall park or operate a vehicle upon any highway or street for the principal purpose of:
 - (a) Greasing or repairing such vehicle except repairs necessitated by an emergency; or
 - (b) The sale of foodstuffs or other merchandise in any business district.
- (2) It shall be unlawful for any person to use any public right-of-way for any business purpose or for any private gain without first having received permission in writing for such use from the City Transportation Engineer and the Chief of Police.

direction upon each of said roadways, no person shall stand or park a vehicle upon the left side of either of such roadways.

Sec. 159 Markings to indicate no stopping and parking regulation.

- (1) The City Transportation Engineer is hereby authorized subject to provisions and limitations of this code and after a comprehensive study to place and when required herein shall place and maintain appropriate signs or traffic markings to place and maintain appropriate signs or traffic markings to indicate standing or parking regulations and said traffic markings shall designate the zones and shall have the meanings herein set forth:
 - (a) RED shall mean no stopping, standing or parking at any time.
 - (b) YELLOW shall mean no stopping, standing or parking except as stated on the signs or markings having notice thereof. Such supplementary signing shall be required in this zone.
 - (c) YELLOW with signs indicating curb loading zones shall mean no stopping, standing or parking except as stated on such sign and in accordance with Sections 179, 180.
- (2) When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of any provisions of this section.

Sec. 160 Parking prohibited at all times on certain streets.

When signs or traffic markings are erected or in place giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time upon any of the streets so marked or parts of streets.

Sec. 161 Evidence Required on Parking Violations.

The presence of any vehicle in or upon any public street in Sandy City, parked in violation of a city ordinance regulating the parking of vehicles shall be prima facie evidence that the person in whose name such vehicle is registered as owner, committed or authorized the commission of such violation.

Sec. 162 Parking time limited, regulations not exclusive.

- (1) When signs or traffic markings are erected or placed by the direction of the City Transportation Engineer, no person shall park a vehicle or permit said vehicle to remain parked for longer than the time specified between the hours shown.
- (2) The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official

traffic-control device.

- (3) The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 163 Parking signs or markings required.

When by this code or any other ordinance of this city and except for parking meter zones, any parking time limit is imposed or parking is prohibited on designated streets or parts of streets, the City Transportation Engineer shall erect or place and maintain appropriate signs or traffic markings giving notice thereof and no such regulations shall be effective unless said signs or traffic markings are erected and in place at the time of any alleged violation.

Sec. 164 through Sec. 174 Parking meters, are left available for future use if needed.

Sec. 175 Parking of hazardous materials.

Sec. 176 Handicapped parking. 41-1-49.9

- (1) Except in parking areas designated for emergency use, a person with a disability, qualifying under rules made in accordance with Section 41-1a-408, may park an appropriately marked vehicle for reasonable periods without charge in metered parking zones and restricted parking areas, in a manner that allows proper access to the vehicle by the person with a disability.
- (2) Only those vehicles carrying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard and transporting a qualifying person with a disability may park in an accessible parking place that is clearly identified as reserved for use by the person with a disability.
- (3) This section applies to and may be enforced on public property and on private property that is used or intended for use by the public.
- (4) The parking privileges granted by this section also apply to vehicles displaying a person with a disability special group license plate, temporary removable windshield placard, or removable windshield placard issued by another jurisdiction if displayed on a vehicle being used by a person with a disability.

Sec. 177 Parking in a fire lane.

- (1) It shall be unlawful for any person to park, stop, or stand a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police or fire officer or a traffic control device, in any designated

fire lane in Sandy City.

- (2) A fire lane shall be designated by a red painted curb and/or posted sign.

Sec. 178 Authority to designate curb loading zones.

The City Transportation Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this section are applicable.

Sec. 179 Stopping or standing in passenger curb loading zone. 41-6-103

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed three minutes.

Sec. 180 Stopping or standing in freight curb loading zone.

- (1) No person shall stop a vehicle or permit the same to remain stopped for any purpose or length of time other than for the expeditious loading and/or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. Vehicles so using freight curb loading zones must have a city vehicle license plate fastened to the front of the vehicle as prescribed by Section 207. In no case shall the stop for loading and/or unloading of materials exceed thirty minutes.
- (2) The driver of a passenger vehicle may stop at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any city licensed vehicle used for the transportation of material which is waiting to enter or about to enter such zone; provided however, that said driver must remain with his/her vehicle.

Sec. 181 Stopping or standing in restricted parking zones. 41-6-103

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted and the driver must remain in the car.

Sec. 182 Taxicab stands to be designated.

The City Transportation Engineer is hereby authorized to establish taxicab stands on such

public streets and in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public and every such taxicab stand shall be designated by appropriate sign or markings installed by the City Transportation Engineer.

Sec. 183 Public carrier stands to be designated.

The City Transportation Engineer is hereby authorized and required to establish bus and coach stops and stands for passenger common carrier vehicles other than taxicabs on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public and every such bus and coach stop and stand for common carrier vehicles shall be designated by appropriate signs or markings installed by the City Transportation Engineer, or installed by the public carrier with the permission of the City Transportation Engineer.

Sec. 184 Parking of buses and taxicabs regulated.

- (1) The driver of a bus or taxicab shall not park upon any street upon which parking is prohibited, restricted, limited as to time or registered by parking meters at any place other than at a bus stop or taxicab stand respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- (2) The driver of any bus used for transportation by the general public, upon stopping in Sandy City for any purpose, including the loading or unloading of passengers, for longer than five (5) minutes shall be required to turn off the engine of such bus if the outside temperature is above 32 degrees fahrenheit and below 85 degrees fahrenheit; such engine shall not be turned on again until the driver begins to proceed to the next regularly marked bus stop.

Sec. 185 Restricted use of bus and taxicab stands.

- (1) No person shall stand, stop or park a bus or coach except for the express purpose of and while actually engaged in the loading or unloading of passengers in a bus or coach stop nor shall any person stop, stand or park any vehicle other than a taxicab in a taxi stand when such stand or stop has been officially designated and appropriately signed or marked.
- (2) It shall be unlawful for any vehicle other than a bus or taxicab to park in such designated area.

Sec. 186 Parking on sidewalk area prohibited. 41-6-103

It shall be unlawful for any person to leave or cause to be left or parked any vehicle upon any portion of a street or highway between the edge lines or the lateral lines of a roadway and the adjacent lines. This shall include vehicles upon, over, or across any public parking or sidewalk, or that area between the sidewalk and curb.

Article 9 Qualifications of Vehicles, Registration, Equipment Restrictions

Sec. 187 Obstructions to Vision. 41-6-149

No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law, nor shall any person drive any vehicle when the windshield or any window is broken, shattered or in such a defective condition as to impair the driver's vision or when the driver's vision is obstructed by any article or articles suspended or otherwise attached to such motor vehicle.

Sec. 188 Muffler. 41-6-147

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation so that the sound emitted therefrom shall not cause such vehicle to exceed the sound levels set forth in Article 21 of this title. Notwithstanding the foregoing, no person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle, above that emitted by the muffler originally installed on the vehicle and the original muffler shall comply with all of the requirements of Article 21. No person shall operate a motor vehicle with an exhaust system so modified.

Sec. 189 Unusual noises and excessive fumes and smoke. 41-6-147

- (1) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.
- (2) No driver of any vehicle shall permit said vehicle to emit any excessive or unusual noises or any annoying smoke. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted so as to prevent the escape of excessive fumes. No motor vehicle operator shall run his/her motor with the cut-out open or make any other unnecessary sound disturbance or operate a vehicle emitting from any source an unreasonable quantity of smoke, obnoxious gases, vapor, or oils.
- (3) Increasing noise, devices forbidden. No person shall sell, furnish, provide or purchase, nor shall any person attach to any vehicle any device which will or is intended to increase the sound of the original muffling equipment on any motor vehicle.

Sec. 190 Lights, Brakes and Other Equipment. 41-6-117/115

- (1) No person shall drive, move, stop or park, nor shall the owner or person in possession cause or knowingly permit to be driven, moved or stopped or parked

on any street or alley, any vehicle:

- (a) Which is in such unsafe condition as to endanger any person or property;
 - (b) Which is not equipped with those serviceable lamps, reflectors, brakes, horn and other warning and signaling devices, windows, windshields, windshield parts and equipment in the position, condition and adjustment meeting the requirements of the laws of the State of Utah as to such parts and equipment;
 - (c) Which is of such size, weight or condition or is loaded or equipped in such manner as is in violation of the laws of the State of Utah with respect to such vehicle.
 - (d) Except as required in Section 92, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red or blue light visible from directly in front of said vehicle.
41-6-140(b)
- (2) No person shall do any act forbidden or fail to perform any act required by the laws of the State of Utah relating to tires, lamps, brakes, fenders, horns, sirens, whistles, bells and other parts and equipment, size, weight and load of any vehicle; provided, however, an authorized emergency vehicle may be equipped with and may display flashing lights which do not indicate a right or left turn.
 - (3) Any motorcycle or motor-driven vehicle carrying a passenger on a public highway other than in a side car or enclosed cab shall be equipped with footrests for such passenger. 41-6-107.6
 - (4) No person shall operate any motorcycle or motor-driven cycle with handlebars above shoulder height. 41-6-107.6
 - (5) No person under 18 years of age shall operate or ride upon a motorcycle or motor-driven cycle upon a public highway unless: 41-6-107.8
 - (a) He/she is wearing protective headgear which complies with standards established by the State Commissioners of Public Safety.
 - (b) This section shall not apply to persons riding within a closed cab.

Sec. 191 Inspection of Vehicles

41-6-158

- (1) No person shall drive, stop or park, nor shall any owner or person in possession cause or knowingly permit to be driven, stopped or parked on any street or alley within this city any vehicle which is required under the laws of the State of Utah to be inspected unless such vehicle has been inspected and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the State of Utah.
- (2) No person shall make, issue, or knowingly use any limitation or counterfeit of an

official certificate of inspection. 41-6-163

- (3) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made 41-6-163
- (4) Any person found guilty of violating subsection (2) or (3) of this Section 191 shall be deemed guilty of a class B misdemeanor. 41-6-164

Sec. 192 Registration of Vehicles.

Every vehicle at all times while being operated, stopped or parked on the streets or alleys of this city:

- (1) Shall be registered in the name of the owner in accordance with the laws of the state in which the owner is a resident unless such vehicle is not required to be registered. 41-1A-1303
- (2) Shall have valid and current registration plates of indicia of registration meeting the requirements of the state the vehicle is registered in.
41-1A-1303
- (3) Vehicles registered in the State of Utah shall have one registration plate attached to the front and the other in the rear. The registration plate for a motorcycle, trailer, or semitrailer, shall be attached to the rear.
41-1A-404
- (4) Registration plates will be securely fastened, in a clearly visible, horizontal position to prevent the plate from swinging, and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate.
41-1A-404
- (5) Registration plates shall be clear, distinct and free from defacement, mutilation, grease, and any colored covering which changes the appearance or color of the plate, or any other obscuring matter which would make the plate not plainly visible and legible at all times. 41-1A-404
- (6) Upon transferring title the new owner of a vehicle, before operating or permitting the operation of a vehicle, shall register and obtain title to the vehicle.
41-1A-703

Sec. 193 Camper Defined.

As used in this section, "camper" shall mean any structure that contains a floor that is designed to be mounted on a motor vehicle and is designed to provide facilities for human habitation or camping and is six feet or more in over-all length and five and one-half feet or more in height from floor to ceiling at any point and has no more than one axle designed to support a portion of the weight.

Sec. 194 Registration of Campers.

41-1-18.5

It shall be unlawful for any person to operate a motor vehicle with a camper mounted on it upon the streets or roads located within the corporate limits of Sandy City unless said camper is currently registered and the appropriate decal is attached in plain sight to the rear of said camper as required by the laws of the State of Utah; provided however, that a non-resident owner of a motor vehicle currently registered and licensed in another state with an out-of-state camper mounted on it is excluded from the provisions of this subsection.

Sec. 195 Registration plates on wrong vehicle.

- (1) No person selling a motor vehicle shall deliver possession thereof to a buyer until said seller shall first remove the registration plates from the vehicle.
41-1A-701(a)
- (2) No person shall place or display any registration plate or card upon any vehicle other than that vehicle the same was issued to by the State of Utah.
41-1A-1305(3)
- (3) No person shall use or permit the use or display of any registration plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued. 41-1A-1305(4)

Sec. 196 Registration, mutilation and/or plate alteration.

The following acts are prohibited and the commission thereof is hereby declared to be a misdemeanor.

- (1) To break, injure, interfere with or remove from any vehicle any seal, lock or device thereon for holding or displaying thereon any registration plate or registration card attached thereto for denoting registration and identity of such vehicle.
41-1A-1305
- (2) To remove from any registered vehicle the registration plate or registration card issued or attached thereto in respect to its registration.
41-1A-1305

Sec. 197 Registration certificate to be carried and exhibited. 41-1-40

The current valid registration certificate of every motor vehicle shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

Sec. 198 Restricted Vehicles. Restrictions.

- (1) All vehicles, combinations of vehicles or combinations of vehicle and load having a length of more than forty-five feet, or a width of more than eight feet without load or a height of more than fourteen feet with or without load, and all vehicles

registered for 24,000 pounds gross weight or more are restricted vehicles.

- (2) All restricted vehicles shall be driven only upon the State Highways, including the Interstate System, within the City limits of Sandy, deviating therefrom only when necessary to traverse another street or streets when necessary for loading, unloading or servicing, and then only departing from the said State Highway route at the nearest reasonable and practical point; provided, however, that no such vehicle shall be loaded, unloaded or serviced upon any street or part of street, if there is usable offstreet loading, unloading, or servicing space available.
- (3) Vehicles carrying explosives, corrosive, flammable, or hazardous materials in excess of 5 gallons, other than fuels carried in permanently attached tanks and used exclusively for propulsion of the vehicle to which attached, shall be driven upon those streets or parts of streets designated as highways and none other unless by permit issued therefor by the City Transportation Engineer and the Chief of the Fire Department of this City.

Sec. 199 Special Permits.

27-12-154

Special Permits of duration of more than one month may be issued by the City Transportation Engineer upon application in writing and good cause being shown therefor, or temporary permits for a duration of less than one month may be issued by the Chief of Police, upon application and good cause being shown therefor, authorizing the applicant to operate or move any vehicle upon any street at any time upon such condition as may be set forth in the permit.

Sec. 200 Use of Dynamic Braking Devices.

No motor vehicle shall be operating with a dynamic braking device, commonly known as Jacobs Brake, engaged except for the aversion of imminent danger.

Sec. 201 Loads Projecting to Rear, Flag and Lights. 41-6-128

No person shall drive any vehicle with a load or object upon such vehicle extending four feet or more beyond the bed or body of said vehicle without having during the daytime a red flag at least six inches square attached at the extreme rear end of the load or object so projecting, and so hung that the entire area is visible to the driver of a vehicle approaching from the rear or a red light or lantern at the extreme rear of the load or object so projecting, during the period of from a half hour after sunset to one half hour before sunrise, which shall be plainly visible under normal atmospheric conditions at least five hundred feet to the sides and rear of such vehicle.

Sec. 202 Loads on vehicles must be secured. 27-12-146

- (1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substance may be

sprinkled on a roadway in cleaning or maintaining such roadway.

- (2) No person shall operate on any public highway any vehicle with any load unless said load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

Sec. 203 Commercial Vehicle in a Restricted Zone.

- (1) It shall be unlawful for any person to leave, park or station upon any residential street in Sandy City, unless expressly allowed to do so by written permission of the City Transportation Engineer or Chief of Police, any vehicle which:
 - (a) has more than four (4) wheels; or
 - (b) has a total length, including any trailer, mobile home, or any other object attached thereto, exceeding nineteen (19); or
 - (c) is what is commonly referred to as a semi-tractor or semi-tractor trailer; or
 - (d) is a vehicle, camper or other unit which carries or encloses housekeeping facilities.
- (2) Any violation of subsection (1) above shall be deemed a nuisance and may be summarily abated by the impounding of any such violating vehicle and/or by citing the registered owner of said vehicle in accordance with Section 161 of this code.

Sec. 204 Weight Restriction.

27-12-151 & 153

- (1) It shall be unlawful for any person to drive or move or for the owner of a vehicle to cause the vehicle or permit said vehicle to be driven or moved upon any street in Sandy City if said vehicle's weight exceeds the weight limitation provided in Section 27-12-151, Utah Code Annotated, 1953 as amended.
- (2) Any police officer having reason to believe that the height, width, length, or weight of the vehicle is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same. Weighing may be done either by means of portable or stationary scales and the officer may require that such vehicle be driven to the nearest scales in the event such scales are within two miles.

Sec. 205 Limitations on Widths of Vehicles.

- (1) No vehicle shall exceed a total outside width of eight feet, including any load thereon except that the limitation as to width of a vehicle shall not apply to vehicles or equipment specified in Section 27-12-148(2) of the U.C.A., 1953, as amended or to vehicles operated under the terms of the special permit issued

under Section 27-12-155, U.C.A., 1953, as amended, or any successor sections.

- (2) No passenger vehicle shall carry any load which extends beyond the line of the fenders on the left side of such vehicle nor shall any passenger vehicle carry a load which extends more than six inches beyond the line of the fender on the right side thereof.

Sec. 206 Mandatory Reduction of Load. 27-12-153

In addition to issuing any citation for violating the vehicle restrictions contained in Section 198, or the weight restrictions contained in Section 204, the officer who determines that the height, width, length or weight is unlawful may require the driver to stop the vehicle in a suitable place and require that the vehicle remain standing until such portion of the load is removed, as is necessary to reduce said load to size limits or width limits as permitted under the ordinance. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

Sec. 207 Licenses for trucks and other non-passenger vehicles.

- (1) Requirement. All trucks, panel wagons, and other vehicles that are not regularly known and recognized as passenger vehicles are required to have a license in the City.
- (2) Fee. The fee for the license required by this section shall be five dollars for each vehicle nine thousand pounds or under and ten dollars for each vehicle exceeding nine thousand pounds.
- (3) Plates or Stickers. A metal license plate or paper sticker shall be provided by the City. Such plates or stickers shall be in full view on vehicles required by this section to be licensed at all times to indicate that the license fee on such vehicle is paid.
- (4) Reciprocity with other communities. The City by reciprocity, will recognize the city plates or other communities that will recognize and will grant reciprocity to the license plates of this City.
- (5) Penalty. Any violation of the provisions of this section is a class B misdemeanor.

Article 10 Regulations for Driving on the Right Side, Overtaking and Passing and Other Rules of the Road

Sec. 208 Duty to operate on right side of roadway. Exceptions. 41-6-53

- (1) On all roadways of sufficient width, a vehicle shall be operated upon the right

half of the roadway except:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement;
 - (b) When the right half of a roadway is closed to traffic while under construction or repair.
 - (c) On a roadway designed and sign-posted for one-way traffic.
 - (d) On a roadway divided into three marked lanes for traffic under the applicable rules.
- (2) On all roadways a vehicle proceeding at less than the normal speed of traffic under the existing conditions shall be operated in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a lawful left turn at an intersection or into a private road or driveway.
- (3) A motor vehicle may not be operated to the right of an edge line except immediately prior to making a right turn. The right turn must not be in violation of Section 211(2).

Sec. 209 Passing vehicles proceeding in opposite directions. 41-6-54

Operators of vehicles proceeding in opposite directions shall pass each other to the right. On roadways having width of not more than one lane of traffic in each direction, each operator shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Sec. 210 Overtaking and passing vehicles proceeding in same directions. 41-6-55

The overtaking and passing of vehicles proceeding in the same direction is subject to these provisions:

- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction may pass to the left at a safe distance and shall not again drive to the right side of the roadway until safely clear of the over-taken vehicle.
- (2) The operator of an over-taken vehicle shall give way to the right in favor of the overtaking vehicle and may not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.
- (3) No person may operate a motorcycle or motor-driven cycle between lanes of traffic or between adjacent lines or rows of vehicles, but this section does not apply to police officers in the performance of their official duties. 41-6-107.2

- (4) The operator of a motorcycle or motor-cycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken. 41-6-107.2

Sec. 211 Passing upon right. When permissible. 41-6-56

- (1) The operator of a vehicle may overtake and pass upon the right of another vehicle only:
- (a) When the vehicle overtaken is making or indicates he/she is about to make a left turn;
 - (b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle; or
 - (c) upon a one-way highway, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- (2) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement with safety. The movement may not be made by driving off the pavement or main-traveled portion of roadway.

Sec. 212 Passing on left. Prohibition. 41-6-57

- (1) A vehicle may not be operated to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken.
- (2) Overtaking and passing under this section may not be made where prohibited by Section 213.
- (3) The overtaking vehicle shall return to an authorized lane of travel as soon as practical, and if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

Sec. 213 Driving on left side of roadway. 41-6-58

- (1) A vehicle may not be operated on the left side of the roadway:
- (a) When approaching or on a crest of a grade or a curve on the highway where the operator's view is obstructed within a distance which creates a hazard if another vehicle may approach from the opposite direction;
 - (b) When approaching within one hundred feet of or traversing any intersection or

railroad grade crossing unless otherwise indicated by official traffic-control devices or a peace officer; or

- (c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.
 - (d) When a solid center line is painted on the roadway in the operator's lane;
 - (e) When there is a solid yellow line to the right of a broken yellow line;
 - (f) Within any school speed limit crossing zone;
 - (g) In any turn lane.
 - (h) When a double center line is painted on the roadway.
- (2) This section does not apply on a one-way roadway or where pavement markings or signs indicate otherwise.

Sec. 214 One-way traffic. Traffic islands. 41-6-60

- (1) On a roadway designated and sign-posted for one-way traffic a vehicle shall be operated only in the direction designated.
- (2) A vehicle passing around a traffic island shall be operated only to the right of the island.

Sec. 215 Laned roadway, weaving. 41-6-61, 107.2

On a roadway divided into two or more clearly marked lanes for traffic the following provisions apply:

- (1) A vehicle shall be operated as nearly as practicable entirely within a single lane and may not be moved from the lane or across a lane line without giving the right-of-way to vehicles in the lane to be entered, nor until the operator has first ascertained that such movement can be made with safety.
- (2) The City Transportation Engineer may erect signs directing slow moving traffic to use the lane nearest to the right hand edge of the roadway;
- (3) When any painted traffic marking is indicated as being "wet" no vehicle may be operated on or across the markings;
- (4) Motorcycles or motor-driven cycles shall not be operated more than two abreast in a single lane;
- (5) All motorcycles and motor-driven cycles are entitled to full use of a lane and no motor vehicle may be operated in a manner as to deprive the motorcycle or motor-driven cycle of the full use of a lane. This subsection shall not apply to motorcycles or motor-driven cycles operated two abreast in a single lane.

- (6) The operator of a vehicle traveling in a lane that is about to merge into another lane shall yield the right-of-way to all vehicles traveling in the lane or lanes into which the lane of the operator is merging and which are so close as to be an immediate hazard. 41-6-75.5

Sec. 216 Following another vehicle. Proximity and distance. Space between vehicles in motor caravan. Exception as to funeral procession. 41-6-62

- (1) The operator of a vehicle may not follow another vehicle more closely than is reasonable and prudent having regard for the speed of the vehicles and the traffic upon the condition of the highway.
- (2) Motor vehicles operated upon any roadway in a caravan or motorcade whether or not towing other vehicles shall allow sufficient space between each vehicle or combination of vehicles to enable any other vehicle to enter and occupy the space without danger. This provision does not apply to funeral processions or parades as authorized in Sections 265 and 267.

Sec. 217 Driving in dividing section. 41-6-63.10

- (1) A vehicle operated on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or a peace officer.
- (2) A vehicle may not be operated over, across, or within any dividing space, median, or barrier of a divided highway, except where authorized by an official traffic-control device or peace officer.

Sec. 218 Limited access roadways. Driving onto or from. 41-6-64

A person may not operate a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

Sec. 219 Restrictions on use of limited access roadway. 41-6-65

- (1) No pedestrian, bicycle or other non-motorized traffic may use any limited access roadway except for the sole purpose of crossing in the shortest and most direct route, unless signing clearly visible allowing an exception to the limited access restrictions has been installed by the transportation engineer, or at other designated crossings, and traffic shall yield the right- of-way to any motorized traffic proceeding upon the limited access roadway.
- (2) No operator shall stop a vehicle on any limited access roadway for the purpose of taking on or discharging any passenger.

Sec. 220 One-way streets and alleys.

On a roadway designated for one-way traffic, a vehicle shall be operated only in the direction indicated by official traffic-control devices. 41-6-60(2)

Sec. 221 Authority to sign one-way streets and alleys.

The City Transportation Engineer shall place and maintain signs giving notice of said one-way streets and alleys. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic is affected.

Sec. 222 Turning. Manner of executing right or left turn. Signs or markers and obedience to signs or markers.

The operator of a vehicle shall make turns as follows:

- (1) Right turns -- Both a right turn and an approach for a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. 41-6-66
- (2) Left turns: The operator of a vehicle intending to turn left shall approach the turn from the extreme left-hand lane for traffic moving in the same direction. Whenever practicable, the left turn shall be made by turning onto the roadway being entered in the extreme left-hand lane for traffic moving in the new direction, unless otherwise directed by an official traffic-control device. 41-6-66
- (4) When traffic control devices are placed at an intersection indicating the course to be traveled by vehicles turning, the operator of a vehicle may not turn a vehicle other than as directed by those devices.
- (5) The City Transportation Engineer is authorized to place traffic control devices at intersections indicating the course to be traveled by vehicles turning at such intersections.
- (6) The City Transportation Engineer is authorized to determine which intersections operators of vehicles may not make a right or left turn and shall place proper signs at those intersections. The making of turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on signs which may be removed when such turns are unrestricted.

Sec. 223 Limitations on U-turns. 41-6-67

The operator of any vehicle may not:

- (1) Make a U-turn at any intersection or between intersections on any street or highway when such turn is prohibited by sign or other traffic control device.
- (2) Make a U-turn within 100 feet of an intersection.
- (3) Make a U-turn on any curve or approach to, or near the crest of a grade if the

vehicle cannot be seen within 500 feet by the operator of any other vehicle approaching from either direction.

- (4) The operator of any vehicle may not turn the vehicle to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.

Sec. 224 **Turning movements and required signals, sudden stop or decrease.** **41-6-69**

- (1) (a) A person may not turn a vehicle or move right or left upon a roadway or change lanes until the movement can be made with reasonable safety and an appropriate signal has been given.
(b) A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last three seconds preceding the beginning of the turn or change.
- (2) A person may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the operator of any vehicle immediately to the rear when there is opportunity to give a signal.
- (3) The signals required on vehicles by Section 226 may not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" to operators or other vehicles approaching from the rear, or flashed on one side only of a parked vehicle except as necessary to comply with this section.

Sec. 225 Two way turn lane. **41-6-66(3)**

Where a special lane for making left turns by operators proceeding in opposite directions has been indicated by official traffic-control devices:

- (1) A left turn may not be made from any other lane; and
- (2) A vehicle may not be driven in the lane except when preparing for or making a left turn from or onto the roadway or when preparing for or making a U-turn when permitted by law.
- (3) A two-way turn lane may not be used as an acceleration lane for vehicles turning onto a street, nor for passing another vehicle proceeding in the same direction.

Sec. 226 **Turn signals given by hand and arm or approved light device.**
41-6-70, 71

- (1) A stop or turn signal when required shall be given either by hand and arm or by a signal lamp.
- (2) Signals required to be given by hand and arm shall be given from the left side of

the vehicle as follows:

- (a) Left turn: hand and arm extended horizontally;
 - (b) Right turn: hand and arm extended upward; and
 - (c) Stop or decrease speed: hand and arm extended downward.
- (3) The opening of a door of a vehicle shall not constitute a signal as required by this code.

Sec. 227 Must turn after signal.

If the operator of a vehicle gives or causes to be given any signal which would indicate to other traffic an intention to turn, he/she must not fail to make the turn nor fail to yield the right-of-way to all other traffic that would be affected by his/her failure to complete the indicated turn.

Sec. 228 Starting vehicles. 41-6-68

A person may not move a vehicle which is stopped, standing, or parked without giving the signal prescribed in Section 226 nor until the movement can be made with reasonable safety and must give moving vehicles the right-of-way.

Sec. 229 Right-of-way between vehicles. 41-6-72, 75.5

- (1) Except as specified in Subsection (2), when more than one vehicle enters or approaches an unregulated or an all-way stop intersection from different highways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right unless otherwise directed by a peace officer.
- (2) When approaching an unregulated intersection, the operator of a vehicle on a highway that does not continue beyond the intersection shall yield the right-of-way to the operator of any vehicle on the intersection highway.

Sec. 230 Vehicle turning left. 41-6-73

The operator of a vehicle intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction or from the left or right which is so close to the turning vehicle as to constitute an immediate hazard.

Sec. 231 Vehicle entering through street or stop intersection. Effect of collision. 41-6-72.10

- (1) Preferential right-of-way may be indicated by stop signs or yield signs under Section 41-6-99, U.C.A.
- (2) In the event an operator, after having passed a yield sign or a stop sign, is involved in a collision with a pedestrian having right-of-way in a crosswalk or a

vehicle having right-of-way in the intersection, the collision shall be deemed prima facie evidence of his/her failure to yield the right-of-way as required by this section, and Sections 234 and 237, but shall not be considered negligence per se in determining legal liability for such accident.

Sec. 232 Approaching emergency vehicle - Necessary signals - Stationary emergency vehicle -- Duties of respective operators. 41-6-76

- (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon the immediate approach of an authorized emergency vehicle using audible or visual signals under Sections 41-6-14, 41-6-14, 41-6-132, or 41-6-146, U.C.A. or of a peace officer vehicle lawfully using an audible or visual sign, shall yield the right-of-way and immediately move to a position parallel to and as close as possible to the right hand edge or curb of the highway, clear any intersection and then stop and remain there until the authorized emergency vehicle has passed; and
- (2) The operator of a vehicle, upon approaching a stationary authorized emergency vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:
 - (a) reduce the speed of the vehicle;
 - (b) provide as much space as practical to the stationary authorized emergency vehicle; and
 - (c) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if practical, with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to the authorized emergency vehicle.
- (3) The operator of a vehicle, upon approaching a stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall:
 - (a) reduce the speed of the vehicle; and
 - (b) provide as much space as practical to the stationary tow truck or highway maintenance vehicle.
- (4) This section does not relieve the operator of an authorized emergency vehicle, tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of all persons using the highway.

Sec. 233 Losing right-of-way.

The operator of a vehicle traveling at a speed of ten miles per hour or more above the posted speed limit or in violation of Section 136 or 137 of this code by ten miles per hour or more shall forfeit any right-of-way which the driver might otherwise have.

Sec. 234 Yield right-of-way signs. 41-6-72.10(3)

- (1) The City Transportation Engineer shall erect and maintain a "yield right-of-way" sign at such intersections where needed. When such a sign is erected, the following provisions apply;
- (2) The operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and if required for safety shall stop, as provided in Section 237 and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection.

Article 13 Stops Required

Sec. 235 Authority to erect stop or yield signs at through streets. 41-6-99

Whenever any ordinance of this City designates and describes a through street, it shall be the duty of the City Transportation Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation of any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a thorough street and a heavy traffic street not so designated stop signs shall be erected at the approaches of either of said streets as may be determined by the City Transportation Engineer upon the basis of an engineering and traffic study.

Sec. 236 Location of stop signs.

The City Transportation Engineer shall erect and maintain a stop sign where determined to be necessary by such engineer. Every stop sign shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection to an approaching vehicle or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway. Vehicles at stop signs shall yield to vehicles on through streets or in an intersection.

Sec. 237 Operator to stop at stop sign. 4-6-72.10(2)

Except when directed to proceed by a peace officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. The operator shall yield the right-of-way to pedestrians within an adjacent crosswalk and other vehicles approaching from any direction.

Sec. 238 Cutting through corners.

No driver of a motor vehicle, motorcycle or vehicle of any kind, shall drive through any private driveway or private property, such as an oil station or lot, or similar area, whether vacant

or not, with intent to avoid obedience to any traffic regulation or construction zone set forth in this code; and no person shall drive a motor vehicle, motorcycle or any other vehicle through any private driveway, lot or similar area where any business establishment, manufacturing, retail store, drug store, cafe, confectionery, drive-in food and drink establishment, or driveway-in market, or any other kind of a business or trade is maintained or carried on, for the purpose or with the intent of avoiding obedience to any traffic regulation or construction zone, or for the purpose and with the intent of harassing and annoying the owner thereof or his/her patrons. Driving by any person of a motor vehicle upon or through any such private driveway, lot or similar area without stopping shall constitute prima facie evidence of a violation of this section.

Section 239 Emerging from or entering alley or private driveway and driving on sidewalk. 41-6-75, 80.5, 87.3, 100, 106.10

- (1) The driver of a vehicle other than a bicycle shall not drive within any sidewalk area except at a permanent or temporary private driveway.
- (2) The driver of a vehicle or rider of a bicycle emerging from an alley, private driveway, building or other place shall stop such vehicle or bicycle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley or private driveway, yielding the right-of-way to any pedestrian or bicycle within or about to enter such sidewalk or sidewalk area as may be necessary to avoid collision and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
- (3) The driver of a vehicle or rider of a bicycle entering an alley or private driveway shall yield the right-of-way to any pedestrian or bicycle within the sidewalk area extending across such alley, or private driveway.
- (4) The driver of a vehicle or rider of a bicycle emerging from an alley or private driveway onto a roadway shall turn such vehicle only to the right, unless a different movement can be made in safety and without interfering with other traffic.
- (5) The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

Sec. 240 Stop when traffic obstructed. 41-6-109.10

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle the driver is operating, notwithstanding any traffic-control signal indication to proceed.

Sec. 241 School bus -- Signs and light signals -- Flashing amber lights -- Flashing red lights --passing school bus -- Duty to stop -- Travel in

opposite direction.

41-6-100.10

- (1)
 - (a) Every school bus, when operated for the transportation of school children, shall bear upon the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which can be removed or covered when the vehicle is not in use for the transportation of school children.
 - (b) . Every school bus, when operated for the transportation of school children, shall be equipped with alternating flashing amber and red light signals visible from the front and rear, of a type approved and mounted as prescribed by the department.
- (2) The operator of any vehicle upon a highway, upon meeting or overtaking any school bus equipped with signals required under this section which is displaying alternating flashing amber warning light signals, shall slow his vehicle, but may proceed past the school bus using due care and caution at a speed not greater than specified in Subsection 41-6-46(2) for school zones for the safety of the school children in that vicinity. If a school bus is displaying alternating flashing red light signals visible from the front or rear, all approaching or overtaking vehicles on the same roadway shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation. The operator of a vehicle need not stop upon meeting or passing a school bus traveling in the opposite direction when:
 - (a) traveling upon a divided highway;
 - (b) the bus is stopped at an intersection or other place controlled by an official traffic-control device or peace officer; or
 - (c) upon a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.
- (3)
 - (a) The operator of a school bus shall operate alternating flashing red light signals at all times when children are unloading from a school bus to cross a highway, or when a school bus is stopped for the purpose of loading children who must cross a highway to board the bus, or at any other time when it would be hazardous for vehicles to proceed past the stopped school bus.
 - (b) The alternating flashing red light signals may not be operated except when the school bus is stopped for loading or unloading school children or for any emergency purpose.

Sec. 242 Reckless driving.

41-6-45

- (1) A person is guilty of reckless driving who operates a vehicle:

- (a) in willful or wanton disregard for the safety of persons or property;
- (b) while committing three or more moving traffic violations under the Sandy City Traffic Code, in a series of acts within a single continuous period of driving.

(2) A person who violates subsection (1) is guilty of a class B misdemeanor.

Sec. 243 REPEALED.

Sec. 244 Negligently colliding.

It shall be unlawful to operate a vehicle and in such negligent manner as to cause the same to collide with any vehicle, person or object.

Sec. 245 Auto assault.

It shall be unlawful for any person to drive a motor vehicle in Sandy City with the intent to use the said vehicle to harm, injure, assault or frighten any other person. It shall not be a defense to this section that the intended harm, injury, assault or frightening did not occur. Any person found guilty of violating this section is guilty of a misdemeanor.

Sec. 246 Inattentive Driving.

(1) A person commits Inattentive Driving if, when operating a motor vehicle on the streets of Sandy City, the person commits a moving violation while dividing his attention from safe operation of the vehicle from some action within the vehicle.

(2) It shall be a rebuttable presumption that the causes of divided attention include, but are not limited to, attending to personal hygiene, eating or drinking, reading, use of a cellular telephone or computer, physically attending to a passenger, or observation of a video display.

(3) Inattentive Driving is an infraction. Inattentive Driving is punishable by an actual (not suspended) fine of up to \$300.00.

Sec. 247 Careless driving.

It shall be unlawful for any person to drive a motor vehicle upon the streets of Sandy City in a careless manner. For the purposes of this section, the term "careless" shall refer to ordinary negligence or the lack of due care that would be expected of a reasonable and prudent person in similar circumstances.

Sec. 248 Backing. When permissible. 41-6-106.

- (1) No driver shall back a vehicle unless such movement can be made with safety and without interfering with other traffic.
- (2) No vehicle shall be backed into or around a corner in any intersection.
- (3) The driver of any vehicle while backing such vehicle from a driveway onto a street with a marked center line thereon shall not back across said center line, but

shall back only into the nearest traffic lane and shall then proceed forward only in the direction of proper traffic travel for such lane of traffic.

Sec. 249 Duty to keep proper lookout. 41-6-80

No person shall drive a vehicle on the streets of this city without keeping a reasonable and proper lookout for other traffic, objects, fixtures or property thereon or adjacent thereto.

Sec. 250 Prohibition as to passenger riding in improper portion of motor vehicle. Exceptions. 41-6-107, 108, 109.5

- (1) No person shall ride, and no driver of a motor vehicle shall knowingly permit any person to ride upon any portion of any vehicle not designed or intended for the use of passengers. This provision shall not apply to any vehicle driven elsewhere than upon a street or to an employee engaged in the necessary discharge of his/her duty.
- (2) A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle or any motor-driven cycle unless such vehicle is designated to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designated for two riders, upon the permanent seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator. 41-6-107
- (2) No person shall occupy a house trailer, or other type of trailer, while it is being moved upon a public highway.

Sec. 251 Tampering, destroying, or injuring vehicle. 41-6-113 and 114

- (1) It shall be unlawful for any person in any way to willfully injure, mar, deface, mutilate, molest or destroy, any other vehicle not his/her own.
- (2) No person shall climb upon or swing upon or hold onto the outside of any motor vehicle when the same is in motion.
- (3) No person shall either individually or in association with one or more other persons wilfully injure or tamper within any vehicle or break or remove any part or parts of, or from, a vehicle.
- (4) Any person who with intent to commit any malicious mischief, injury, or other crime, climbs into or upon a vehicle, whether it is in motion or at rest, or with like intent attempts to manipulate the steering wheel, any of the levers, starting mechanism, brakes, or other mechanisms or device of a vehicle while the same is at rest or unattended, or with like intent sets in motion any vehicle while the same is at rest and unattended, is guilty of a misdemeanor.
- (5) This section shall not apply to persons with authority, or consent, of the owner or

the person lawfully in charge of a motor vehicle while such motor vehicle is at rest.

- (6) The provisions of this section shall apply on any public or private street, alley, avenue, or place within Sandy City. A person found guilty of violating this section is guilty of an infraction.

Sec. 252 Opening door.

41-6-108.10

- (1) No person shall open the door of or enter or emerge from any vehicle in the path of any approaching vehicle or bicycle.
- (2) No person shall open any vehicle door at any time when such vehicle is in motion.

Sec. 253 Interfering with control or vision. 41-6-109

- (1) No driver shall engage in any activity that interferes with the safe control over the driving mechanism of the vehicle.
- (2) No person shall engage in any activity or do any act which interferes with the safe operation of any vehicle.
- (3) No driver shall have in his/her lap any other person, adult or minor, nor animal, nor shall he/she be seated in the lap of any person, while the vehicle is in motion.
- (4) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or side of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (5) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.
- (6) No driver shall have either arm around another person nor shall another person have either arm around the driver while the vehicle is in motion.
- (7) A person shall ride upon a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (8) No person shall operate a motorcycle or motor-driven cycle while carrying any package, bundle, or other article which prevents him/her from keeping both hands on the handlebars.
- (9) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or motor-driven cycle or the view of the operator.

Sec. 254 Standing on seat.

No driver shall operate any vehicle while any person or child is standing on a seat within such vehicle.

Sec. 255 REPEALED

Sec. 256 **Television sets in vehicles.** **41-6-154.20**

(1) No person shall operate or have upon any street any motor vehicle which is equipped or provided with a television so placed that it can be operated, used or observed by the driver of such motor vehicle.

(2) This section does not prohibit the use of television-type receiving equipment used exclusively for:

(a) safety or law enforcement purposes, if the use is approved by the police department; or

(b) motor vehicle navigation.

Sec. 257 Following Emergency Vehicles. 41-6-112

(1) The driver of a vehicle, other than one on official business, shall not follow any emergency vehicle traveling in response to an emergency alarm closer than five hundred feet or stop or park such vehicle within five hundred feet of any emergency vehicle which has stopped in answer to an emergency alarm.

(2) All vehicles will reduce travel speeds to 20 m.p.h. within 200 feet of any traffic cones, flares, red and/or blue emergency lights, and/or persons directing traffic and will remain at 20 m.p.h. or slower safe speed until same vehicles are 200 feet beyond the last traffic control device or person.

(3) If any travel lane is blocked off by any traffic cones, flares, emergency vehicles, and/or persons, that lane is considered closed. This closed lane will reopen beyond 200 feet of any control devices and/or persons, and posted speed can be resumed safely and reasonably.

(4) If the right-hand lane is blocked, a person may not drive to the right of that travel lane.

Sec. 258 Fire hose, driving on. 41-6-113

No railroad train or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, alley, private driveway, or railroad track, without the consent of the fire department official there in command.

Sec. 259 Headlights. **41-6-118 & 135**

- (1) Every vehicle upon a roadway or highway in this city shall display headlights at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient lights, persons and vehicles on the roadway are not clearly discernible at a distance of 1,000 feet.
- (2) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified above, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:
 - (a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, shall be deemed to avoid glare at all times, regardless of road contour and loading.
 - (b) Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, such driver shall dim his/her headlights.
- (3) No person shall use upon any motor vehicle, trailer, semitrailer or pole trailer any lamps unless said lamps are mounted, adjusted and aimed in accordance with instructions of the Commissioner.
- (4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 260 REPEALED.

Sec. 261 Destructive or injurious materials and dumping 41-6-114

- (1) It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of such land in the State of Utah whether under private, state, county, municipal, or federal ownership without the permission of the owner, or person having control or custody of the land.
- (2) No person may place or maintain upon any public street any material or object of any type which by its presence constitutes a hazard to the public. Any such material or object so placed or maintained is hereby declared a public nuisance and the City Transportation Engineer is empowered to remove it immediately and to bill the violator for restitution.
- (3) Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land or waterway any destructive, injurious or

unsightly material shall immediately remove the same or cause it to be removed, at his/her expense, and deposit the material in a receptacle designed to receive such materials.

- (4) Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.
- (5) Any person transporting loose cargo by truck, trailer or other motor vehicle shall secure such cargo in such a reasonable manner as will prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, on both public and private property or public roadways, except as provided in Section 27-12- 146 Utah Code Annotated, 1953, as amended. This subsection shall apply except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.
- (6) No person shall operate on any street any vehicle with any load unless said load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the street.
- (7) The provisions of this section shall not apply to street maintenance crews nor to other persons who have received proper authorization from the Street Department of this City.

Sec. 262 Littering.

41-6-114

- (1) It shall be unlawful to litter any area, public or private, by dropping, throwing, or otherwise discarding, any paper, trash, garbage, or paper product.
- (2) It shall be unlawful to throw any lighted material from a moving vehicle.
- (3) Any person distributing commercial handbills, leaflets or other advertising shall take whatever measures are reasonably necessary to keep such material from littering public or private property or public roadways.

Sec. 263 Penalty -- littering - dumping.

41-6-114.1

Any person violating any of the provisions of Sections 261 and 262 is guilty of a class B misdemeanor and shall be fined not less than \$25 for each violation, provided that the sentencing judge may also impose as additional penalties the requirements that the offender shall devote at least one hour in cleaning up any litter caused by such person and cleaning up any existing litter from a safe area designated by the sentencing judge.

Sec. 264 Funeral procession. Driving through.

No driver of a vehicle shall drive between the vehicles comprising a funeral procession when such procession is accompanied by an adequate police escort or escort service while they are in motion and when such vehicles are conspicuously designated as required in this code, except when otherwise directed by a police officer. This provision shall not apply to drivers of authorized emergency vehicles.

Sec. 265 Funeral identification, right-of-way.

- (1) Each motor vehicle participating in a funeral procession, when accompanied by an adequate police escort or escort service, shall display illuminated headlights thereon and shall follow not more than thirty feet behind the next preceding motor vehicle in such funeral procession, and such vehicles so identified shall have the right of way at any street intersection over all other vehicles except authorized emergency vehicles. For the purposes of this section and the next preceding section of this code the term "adequate police escort or escort service" shall mean a police escort or other escort service consisting of two escort vehicles or one escort vehicle for each twenty-five vehicles, included in the funeral procession, whichever is greater.
- (2) All motor vehicles in a funeral procession, when accompanied by an adequate police escort or escort service, operated in compliance with this and the preceding section, may proceed past a red or stop signal, provided such movement is made with due caution and circumspection, and other vehicles shall yield the right-of-way to such vehicles. If no police escort or escort service is provided, the funeral procession must obey all traffic regulations and traffic-control devices.

Sec. 266 Id. Funerals keep to right.

Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as possible unless a left turn is contemplated.

Sec. 267 Parades and processions, permits required.

No procession or parade except a funeral procession shall occupy, march or proceed along any street and no person, group, or firm may close or similarly affect any public street except in accordance with a permit issued by the City Transportation Engineer and the Chief of Police of this city. All requests for such permits shall state the time, place of formation, proposed line of march, destination and such other information as may be required. All requests for parade permits must be in the hands of the City Transportation Engineer and the Chief of Police at least five (5) days prior to the actual time of the procession. The time and the route shall be designated, but may be changed should they deem it in the public interest. Any procession or parade proceeding in accordance with the permit issued as hereinabove provided may be authorized to disregard traffic-control devices. The person or persons obtaining such permits, together with the sponsoring organization whom they represent, shall provide, at their own expense, police supervision for such parades or processions which are not of a community-wide nature when, in the opinion of the City Transportation Engineer and the Chief of Police of Sandy

City, such supervision is necessary in the interest of preserving peace and promoting the health and welfare of the residents of Sandy City.

Sec. 268 Driving through safety zone. 41-6-94

No vehicle shall at any time be driven through or within a safety zone, dividing section, roadway traffic island or an area within or along a roadway from which vehicular traffic is intended to be excluded.

Sec. 269 Forbidding vehicles to travel within or through marked bicycle lanes.

No motor vehicle shall at any time be driven within or through or parked or stopped within a marked bicycle lane except to briefly cross said lane to turn into an intersection, street, alley, driveway or other parking area. Any vehicle so turning must yield the right-of-way to all bicycles within the lane that are close enough to constitute an immediate hazard. No motor vehicle may use a bicycle lane as a turning lane. On all roads with no bicycle lane, operators of bicycles have the same rights, duties and responsibilities as operators of motor vehicles.

Sec. 270 Use of horn.

The driver of a motor vehicle shall, when reasonable and necessary to insure safe operation, give audible warning with his/her horn but shall not otherwise use horn.

Sec. 271 Quiet zones.

In the streets or parts of streets declared to be "quiet zones", every motor vehicle shall be operated in a quiet manner so as to prevent all excessive or unusual noises, and the occupants therein shall maintain reasonable quiet.

Sec. 272 Persons lending, renting, etc., vehicles.

- (1) No registered owner, and no person in possession of any vehicle shall permit another person to drive the same without first ascertaining the name and address of such other person and that he/she is legally licensed to operate such vehicle.
- (2) Every person renting, leasing or hiring a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person, the number of his/her operator's license, and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer.
- (3) The information and records required by this section shall be furnished to any peace officer for police purposes on demand.

Sec. 273 Record of business.

Every person engaged in the business, including the operating of a taxicab or auto livery

business, of renting or hiring out motor vehicles as well as the driver so employed or engaged in the driving of any motor vehicle used in any such business, shall keep a true and correct record of every trip made by such driver so employed, or the said business is operated. Said record shall show the exact time when his/her employment ended and the place where his/her passenger, or if more than one, where each passenger was discharged, which record shall at all times be open to inspection and copying by any police officer of this city upon demand.

Sec. 274 Attaching to vehicle unlawful.

- (1) It is unlawful for the operator, or any person in charge of a vehicle to knowingly operate a vehicle while any sled, toboggan, skate board, sleigh or other similar conveyance is attached to or connected to the vehicle, or to permit any sled, toboggan, skate board, sleigh or other similar conveyance to be attached to or connected with a vehicle.
- (2) A person riding a bicycle, moped, coaster, skate board, roller skates, sled, or toy vehicle may not attach it or himself to any moving vehicle upon a highway.
41-6-86(1)
- (3) No person riding upon a motorcycle or motor-driven cycle shall attach himself to any other vehicle on a roadway.
- (4) This section does not prohibit attaching a trailer or semitrailer to a motorcycle, bicycle or moped if that trailer or semitrailer has been designed for attachment.
41-6-86(2)

Sec. 275 Driving or riding on sidewalks. 41-6-106.10

It shall be unlawful for any person to drive, back, ride, or cause to be driven, backed or ridden any vehicle upon, over or across any public curbing or public sidewalk in said city; provided, however, that a vehicle may be driven, backed or ridden over and across a public sidewalk at any duly constructed or prepared driveway.

Sec. 276 Records to be kept by dealers in used cars.

It shall be unlawful for any person engaged in the business of wrecking, buying, selling, exchanging or dealing in used or secondhand motor vehicles, tires, radiators, magnetos, speedometers, equipment, storage batteries, parts of such vehicles, or accessories of all kinds and descriptions, to fail to keep a record of the purchase, sale, wrecking, exchange or storage of such articles, which shall at all times be open to the inspection of the Chief of Police or any officer detailed by him/her, to fail within twenty-four hours after the purchase, sale, exchange or acceptance for storage or wrecking of such articles, to make out and deliver to the Chief of Police a full and complete record of the purchase, sale, exchange or acceptance for storage or wrecking of such used or secondhand motor vehicles, equipment or accessories, and deliver to the Chief of Police or any officer detailed by him/her, when any motor vehicle or motorcycle is wrecked, junked or demolished, the certificates of ownership and/or registration and the license plates last issued upon registration of such vehicle or motorcycle by the licensing state. Said

report shall contain the name and address of the person from whom purchased or taken in exchange, for storage, or to whom sold, the make, state, license number, motor number, body number, generator number, carburetor number, magneto number, storage battery number, or any other mark of identification, make, size, and serial number of each tire, including extra tires, style and seating capacity of all second-hand motor vehicles purchased, sold, exchanged or placed in storage; make, size and number of second-hand motor vehicle tires, make and number of second-hand radiators, magnetos, and speedometers, equipment, storage batteries, parts of vehicles and all other accessories having a serial number, and such other information concerning said articles as may be necessary to prove ownership and identity of said used or secondhand motor vehicles, equipment or accessories. Said report shall be written in the English language in a clear and legible manner, on blanks furnished by the Chief of Police.

Sec. 277 Open (repealed)

Sec. 278 Islands, markers, etc.

When authorized islands, markers, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Sec. 279 Falsifying parking permits.

It shall be unlawful for any person to alter or falsify a parking permit referred to in Section 317 of the Revised Ordinances of Sandy City or to display a facsimile or copy of such a permit which has not been issued by the Sandy City Council.

Sec. 280 Test-driving of Vehicles on Residential Streets.

- (1) Any person employed full or part-time in the business of repairing motorized vehicles shall not test-drive any motorized vehicle upon any residential street in Sandy City.
- (2) Every person including employers, owners, managers, agents, corporations or corporate officers, who, with or without a culpable mental state, authorizes, solicits, commands, encourages, allows or intentionally aids another person to engage in conduct prohibited by this ordinance, shall be guilty of violating this section along with the person who directly violates this section, and shall be subject to all applicable penalties.
- (3) Two convictions under this ordinance within a twelve (12) month period by the same repair establishment shall constitute grounds for revocation of that repair establishment's business license.
- (4) Test-driving as used herein is defined as driving the vehicle for the purpose of testing whether the vehicle is functioning properly after repairs have been made.
- (5) Residential street as used herein is defined as any street not shown as an arterial or interstate on the Sandy City Street Map maintained by the office of the City

Transportation Engineer.

Sec. 281 Drivers and Passengers.

(1) (a) As used in this article:

(i) "Child restraint device" means a child restraint device approved by the commissioner of the Department of Public Safety.

(ii) "Motor vehicle" means a vehicle defined in 41-1a-102, U.C.A., except vehicles that are not equipped with safety belts by the manufacturer.

(iii) "Safety" means a safety or system that meets standards set by the commissioner of the Department of Public Safety.

(iv) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety.

(b) The driver of a motor vehicle operated on a highway shall:

(i) wear a properly adjusted and fastened safety belt;

(ii) provide for the protection of each person younger than five years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(iii) provide for the protection of each person five years of age up to 16 years of age by using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device or by securing or causing to be secured, a properly adjusted and fastened safety belt on each person.

(c) A passenger who is 16 years of age and older of a motor vehicle operated on a highway shall wear a properly adjusted and fastened seat belt.

(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall set standards for approved safety belts and child restraint devices.

(e) If more than one person is not using a child restraint device or wearing a safety belt in violation of subsection (1), it is only one offense and the driver may receive only one citation.

(f) For a person 19 years of age or older who violates subsection (1)(b) or (c), enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of the Sandy City Traffic Code, other than subsection (1)(b) or (c), or for another offense.

- (2) This article does not apply to a driver or passenger of: 41-6-183
- (a) A motor vehicle manufactured before July 1, 1966;
 - (b) A motor vehicle in which the driver or passengers possess written verification from a licensed physician that the driver or physician is unable to wear a safety seat belt system for physical or medical reasons;
 - (c) A motor vehicle which is not required to be equipped with a safety seat belt system under federal law;
- (3) This article does not apply to a passenger if all seating positions are occupied by other passengers.
- (4) (a) A person who violates Section 281 is guilty of an infraction and shall be fined a maximum of \$45.
- (b) The court shall waive all but \$15 of the fine for a violation of Section 281 if a person shows evidence of completion of a two-hour course approved by the commissioner of Public Safety that includes education on the benefits of using a safety belt and child restraint device.
- (c) Points for a motor vehicle reportable violation, as defined under 53-3-102, U.C.A., may not be assessed against any person for a violation of Section 281.
- (d) The court in which a charge is pending for a first violation of Section 281(1)(b)(ii) shall dismiss the action against a driver who, during or before any court appearance on the matter, submits proof of acquisition, rental or purchase of a child restraint device as required by Sec. 281(1)(b)(ii).

Sec. 282. Leaving Children in Vehicles.

- (a) No person within the limits of Sandy City shall leave, or allow to be left, any minor child under (7) years of age, unattended in any vehicle, upon a public street, alley or other public property where parking or drive-in facilities are offered to the public. A child is unattended within the meaning of this section if the oldest person with the child is a person under twelve (12) years of age.
- (b) Violation of this section shall be an infraction.

Sec. 283 Animals in Open Vehicles.

- (a) No operator of a motor vehicle shall transport or keep an animal in a public place in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.
- (b) As used in this section, "public place" means any place open to and used generally by the public, whether publicly or privately owned, including streets,

highways, alleys, parking lots, schools, and commercial establishments.

- (c) Violation of this section shall be an infraction.

Sec. 284 Leaving Animals Unattended in Enclosed Vehicles.

- (a) No operator of a motor vehicle shall leave an animal in a public place in an unattended vehicle which is inadequately ventilated or in such a manner as to subject the animal to temperatures which are likely to adversely affect the animal's health.
- (b) As used in this section, "public place" means any place open to and used generally by the public, whether publicly or privately owned, including streets, highways, alleys, parking lots, schools, and commercial establishments.

- (c) Violation of this section shall be an infraction.

Sec. 285 Noises Prohibited.

It shall be unlawful to operate a radio, tape player, CD player, television, musical instrument, or similar device in, on, or from a motor vehicle on public property or public right-of-way so as to be plainly audible 100 feet from the vehicle. Plainly audible means bass, voice, etc., any portion of which is readily discernible by normal sensibilities.

Sec. 286 through Sec. 287 left blank for future use if needed.

Article 15 Railroad Trains

Sec. 288 Railroad grade crossing. Duty of pedestrian and vehicle to stop. Driving through, around or under gate or barrier prohibited. 41-6-79.20, 95

- (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop at a clearly marked stop line or if none within fifty feet but not less than ten feet from the nearest track of such railroad if:
- (a) A clearly visible electric or mechanical signal device gives warning of the approach of a train;
- (b) A crossing gate is lowered, or when a human figure gives or continues to give a signal of the approach or passage of a train;
- (c) A railroad train approaching within approximately fifteen hundred feet of the highway crossing emits a signal audible from such distance and such distance and such train by reason of its speed or nearness to such crossing is an immediate hazard;

- (d) An approaching train is plainly visible and is in hazardous proximity to such crossing.

The driver shall remain stopped until such time as the above conditions (a) through (d) are no longer present.

- (2)
 - (a) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
 - (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad crossing or bridge while such gate or barrier is closed or is being opened or closed.

Sec. 289 Stop signs at dangerous railroad crossing.

It shall be the duty of the City Transportation Engineer to determine which railroad crossings are particularly hazardous and it shall be his/her duty to erect and maintain stop signs thereat. When such stop signs are erected, drivers of vehicles shall stop at a clearly marked stop line or if none within fifty feet but not less than ten feet from the nearest track of such grade crossing and shall proceed only when exercising due care and observing that no train or trains are approaching.

Sec. 290 Railroad grade crossing. Duty of buses and certain trucks to stop, look and listen. 41-6-97

- (1)
 - (a) Except as provided in Subsection (2), the driver of any vehicle described in rules issued under Subsection (3) shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad track before crossing, at grade, any track of a railroad. While stopped, the driver shall look in both directions along the track for any sign of an approaching train and look and listen for signals indicating the approach of any train. The driver may proceed across the railroad track only when the movement may be made with reasonable safety.
 - (b) After stopping as required and upon safely proceeding, the driver shall only cross the railroad track in a gear that ensures no necessity for manually changing gears while traversing the crossing. The driver may not manually shift gears while crossing the railroad track.
- (2) This section does not apply at a:
 - (a) railroad grade crossing where traffic is controlled by a peace officer or flag person;
 - (b) railroad grade crossing where traffic is regulated by a traffic control signal; or
 - (c) railroad grade control device gives notice that the stopping requirements of this section are not applicable.

- (3) (a) The Department of Transportation shall adopt necessary rules describing the vehicles that must comply with the stopping requirements of this section.
- (b) In making the rules, the Department of Transportation shall give consideration to the number of passengers carried by the vehicle and hazardous nature of any substance carried by the vehicle.
- (c) The rules shall correlate with and where possible conform to the most recent regulations of the United States Department of Transportation.

Sec. 291 Duties respecting crawler tractor, power shovel, derrick or other equipment or structure. 41-6-98

- (1) No person shall operate or move any crawler tractor, power shovel, derrick, roller, or any equipment or structure having normal speed of six or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
- (2) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.
- (3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than fifty feet from the nearest rail line of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a railroad train and shall not proceed until the crossing can be made safely.
- (4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train.

Sec. 292 Driving on tracks. 41-6-93

- (1) No driver of any vehicle proceeding upon any track in front of a railroad train upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of such train.
- (2) When a railroad train has started to cross an intersection, no driver of a vehicle shall drive upon or across the tracks or in the path of such train within the intersection in front of such train.

Sec. 293 Obstructing intersection for five minutes. 41-6-95.5

No railroad company, railroad engineer, railroad conductor, or any other person operating

or in control of the movement of any railroad train or locomotive shall cause or permit any locomotive, railroad car, train, or railroad cars or any locomotive, railroad car, train, or railroad cars or any portion thereof to obstruct any intersection between a railroad and public street so as to prevent any person or vehicle from crossing the railroad tracks at such intersection for a period longer than five minutes except in cases of unavoidable emergencies or impossibility due to the length of such train when moving at a reasonable speed in which case notice shall be given at each such crossing by the engineer, conductor or other employee of said railroad company of such delay by means of a hand-held sign clearly visible to the waiting motorists or pedestrians that said locomotive, railroad car, train or portion thereof will be delayed for more than five minutes at such crossings.

Article 16 Pedestrians

Sec. 294 Pedestrians subject to traffic-control signals.

- (1) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him/her unless otherwise directed by a peace officer.
- (2) Pedestrians are subject to traffic and pedestrian-control signals under Sections 96 and 97. 41-6-77

Sec. 295 Pedestrians' right-of-way. 41-6-78

- (1)
 - (a) Except as provided under Subsection (2), when traffic-control signals are not in place or are not in operation, the operator of a vehicle shall yield the right-of-way, slowing down or stopping if necessary to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be a danger.
 - (b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if:
 - (a) a school speed limit sign has the warning lights operating; and
 - (b) the crosswalk is occupied by any person.
- (3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Sec. 296 No passing vehicle stopped at crosswalk. 41-6-78(2)

When a vehicle is stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Sec. 297 Crossing roadways.

41-6-79

No pedestrian may cross a roadway:

- (1) At any place other than in a crosswalk. If no crosswalk exists within a distance of seven hundred feet of the desired point of crossing, a pedestrian may cross by the shortest route to the opposite curb after exercising due care and caution and yielding to all vehicular traffic;
- (2) Between adjacent intersections, at which traffic-control signals are in operation, at any place except in a marked crosswalk;
- (3) At any place other than in a crosswalk upon any through street; or
- (4) Where a pedestrian tunnel or overhead pedestrian crossing is available.

Sec. 298 Pedestrians and incapacitated persons.

- (1) The operator of a vehicle shall exercise care to avoid colliding with any pedestrian and shall give an audible signal when necessary and exercise appropriate precaution upon observing any child or any obviously confused, or intoxicated, incapacitated person or any person carrying a cane as described in paragraph (2) below or any person being accompanied by a guide dog. 41-6-80
- (2)
 - (a) The operator of a vehicle shall yield the right-of-way to any blind or visually impaired pedestrian carrying a clearly visible white cane or accompanied by a guide dog specially trained for that purpose and equipped with a harness.
 - (b) A person who fails to yield the right-of-way is liable for any loss or damage which results as a proximate cause of failure to yield the right-of-way to blind or visually impaired persons, except that blind or visually impaired persons shall exercise due care in approaching and crossing roadways and shall yield right-of-way to emergency vehicles giving an audible warning signal.
41-80.1
- (3) A pedestrian other than a blind or visually impaired person may not carry a cane as described in Subsection 2. 41-6-80.1

Sec. 299 Use of roadway by pedestrians.

41-6-82

- (1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along and upon an adjacent roadway.
- (2) Where a sidewalk is not provided, a pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the

roadway.

- (3) Where neither a sidewalk or a shoulder is available, a pedestrian walking along or upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.
- (4) A person may not sit, stand, or loiter in or near a roadway for the purpose of soliciting from the occupant of any vehicle a ride, contributions, employment, the parking, watching, or guarding of a vehicle, or other business.
- (5) A pedestrian who is under the influence of alcohol or any drug to a degree which renders him a hazard may not walk or be upon a highway except on a sidewalk or sidewalk area.
- (6) Except as otherwise provided in this chapter, a pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

Sec. 300 Soliciting rides. 41-6-82(4)

A person may not sit, stand, or loiter in or near a street, roadway, or highway for the purpose of soliciting from the occupant of any vehicle a ride, contributions, employment, the parking, watching or guarding of a vehicle or other business.

Sec. 301 Obstructing sidewalks by pedestrians.

Pedestrians shall not obstruct or prevent the free use of sidewalks or crosswalks by other pedestrians.

Sec. 302 Parents and guardians shall not permit violation.

The parent or custodian of any child and the guardian of any ward or person having charge of a blind, confused or incapacitated person shall not authorize or knowingly permit any such person to violate any of the provisions of this article.

Article 17 Regulations for Bicycles

Sec. 303 **Parents responsible.** **41-6-83**

The parent or guardian of any child may not authorize or knowingly permit the child to violate any of the provisions of this article.

Sec. 304 Equipment **41-6-89 & 90**

- (1) A bicycle may not be equipped with, and a person may not use upon a bicycle, any siren or whistle. 41-6-89(1)

- (2) Every bicycle shall be equipped with a brake or brakes which enable its operator to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement. 41-6-89(2)
- (3) Every bicycle in use at the times described in Section 264 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. 41-6-90(1)
- (4) Every bicycle when in use at the times described in Section 264 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful low lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet. 41-6-90(2)
- (5) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (3) and (4).
- (6) A bicycle used for authorized police department patrols is exempt from this section.

Sec. 305 Bicycle riders subject to motor vehicle code. 41-6-84

Every person operating a bicycle by human power or a moped has all the rights, and all the duties and other provisions of this chapter applicable to the operator of any other vehicle, except as otherwise specified under this article, and except that non- motorized bicycle operators are not subject to the penalties related to operator licenses under alcohol and drug related traffic offenses.

Sec. 306 Regular seat required - Carrying more persons than design permits prohibited.

A bicycle or moped may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. 41-6-85

Sec. 306.1 Operation of bicycle or moped on and use of roadway -- Duties, Prohibitions.

- (1) A person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:
 - (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
 - (b) preparing to make a left turn at an intersection or into a private road or

driveway;

(c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or

(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including fixed or moving object, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

- (2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.
- (3) Persons riding bicycles or mopeds upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede the normal and reasonable movement of traffic and shall ride within a single lane.
- (4) If a usable path for bicycles has been provided adjacent to the roadway, bicycle riders may be directed by official traffic-control devices to use the path and not the roadway.

Sec. 306.2 Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.

- (1) A person operating a bicycle or any vehicle or device propelled by human power shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.
- (2) A person may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by official traffic-control devices or ordinance.
- (3) A person may not operate a bicycle or any vehicle or device propelled by human power in a negligent manner so as to collide with any pedestrian or other person operating a bicycle or any vehicle or device propelled by human power.
- (4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.
- (5) Except as provided under Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a

pedestrian under the same circumstances.

Sec. 306.3 Bicycles - Parking on sidewalk - Prohibitions - Parking on roadway.

- (1) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic-control device. 41-6-87.4(1)
- (2) A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic. 41-6-87.4(2)
- (3) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed. 41-6-87.4(3)
- (4) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed. 41-6-87.4(4)
- (5) A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle. 41-6-87.4(5)
- (6) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of Article 8 or this chapter, regarding the parking of vehicles. 41-6-87.4(6)

Sec. 306.4 Bicycles - Turns - Designated bicycle lanes.

- (1) A person riding a bicycle or moped and intending to turn left shall comply with Subsection (2) or Section 222. 41-6-87.5(1)
- (2) A person riding an bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersection roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped operator shall stop, as far out of the way of traffic as practical. After stopping he shall yield to any traffic proceeding in either direction along the roadway he had been using. After yielding and complying with any official traffic-control device or peace officer regulating traffic, he may proceed in the new direction. 41-6-87.5(2)

Sec. 306.5 Bicycles - Turn Signals -- Exceptions.

- (1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6-69.
- (2) A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle or moped.

- (3) A person operating a bicycle or moped and who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Sec. 306.6 Bicycle inspections - At request of officer.

A uniformed peace officer may at any time upon reasonable cause to believe that a bicycle or moped is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle or moped to stop and submit the bicycle or moped to an inspection and a test as appropriate. 41-6-87.8

Sec. 306.7 Bicycle racing - Prohibitions - Exemptions - Exemptions from Traffic Laws.

- (1) Bicycle racing on highways is prohibited under Section 139, except as authorized in this section. 41-6-87.9(1)
- (2) Bicycle racing on a highway is permitted when a racing event is approved by the City Transportation Engineer or the City Council. Approval of bicycle highway racing events may be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users. 41-6-87.9(2)
- (3) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable, if traffic control is adequate to assure the safety of all highway users. 41-6-87.9(3)

Sec. 306.8 One hand on handle bars.

A person operating a bicycle or moped may not carry any package, bundle, or article which prevents the use of both hands in the control and operating of the bicycle or moped. A person operating a bicycle or moped shall keep at least one hand on the handlebars at all times. 41-6-88

Sec. 306.9 Bicycles -- Lamps and reflective material required.

- (1) Every bicycle in use at the time described in Section 41-6-118 shall be equipped with a:
 - (a) lamp of a type approved by the department which is on the front emitting a white visible from a distance of at least 500 feet to the front; and
 - (b) (i) red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or

(ii) red taillight designed for use on a bicycle and emitting flashing or nonflashing light visible from a distance of 500 feet to the rear.

(2) Every bicycle when in use at the times described in Section 41-6-118 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) and (2).

Article 18 Penalties, Parties and Procedures on Arrests

Sec. 307 Parties.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as principle, agent or accessory shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this code is likewise guilty of such offense; and every person who knowingly and willfully gives false information concerning the identity of any person who has committed any act to a police officer investigating such act known by such officer to have committed and believed by such officer to have been unlawful or who refuses to reveal to such officer upon his/her demand any information in his/her possession regarding the identity of the person who committed such act, shall be guilty of a class B misdemeanor.

Sec. 308 Condition for immediate appearance before magistrate. 41-6-166

Whenever a person is arrested for any violation of this code, the arrested person shall be immediately taken before a magistrate within this city, who is nearest or most accessible with reference to the place where said arrest is made if the person arrested demands an immediate appearance before a magistrate.

Sec. 309 Procedure for requiring appearance when immediate appearance is not made. 41-6-167

- (1) Upon any violation of this code, whenever a person is not immediately taken before a magistrate as provided in the preceding section, the police officer shall prepare in triplicate or more copies, a misdemeanor citation; shall issue one copy to the person subject to arrest or prosecution; and shall, within five days file duplicate copies with the court specified in the citation. Each copy of the citation

issued under authority of this code shall contain:

- (a) The name of the court before which the person is to appear;
 - (b) The name of the person cited;
 - (c) A brief description of the offense charged;
 - (d) The date, time and place at which the offense is alleged to have occurred;
 - (e) The date on which the citation was issued;
 - (f) The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate;
 - (g) The time and date on or before or after which the person is to appear;
 - (h) The address and/or telephone number of the court in which the person is to appear; and
 - (i) A notice containing substantially the following language: READ CAREFULLY This citation is not a complaint and will not be used as a complaint without your consent. If a complaint is filed you will be provided a copy by the court. You MUST appear on or before the time set in this citation. IF YOU FAIL TO APPEAR A COMPLAINT WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.
- (2) Any person who willfully fails to appear before a court pursuant to a citation issued under the section is guilty of a class B misdemeanor regardless of the disposition of the charge upon which he/she was originally cited.

Sec. 310 Violation of notice to appear. 41-6-168

- (1) Any person willfully violating a notice, duly served upon him/her by a law enforcement officer, to appear, given as provided in this code, is guilty of a class C misdemeanor regardless of the disposition of the charge upon which he/she was originally arrested.
- (2) A notice to appear in court may be complied with by an appearance by counsel.

Sec. 311 Improper disposition or cancellation of summons or traffic citation. 41-6-172

Any person who cancels or solicits the cancellation of any summons or traffic citation, in any manner other than as provided by this code shall be guilty of a class B misdemeanor.

Article 19 Impounding of Vehicles

Sec. 312 Definition of terms used in this article.

- (1) Due notice. Due notice or sufficient notice shall be a written notice affixed to the vehicle and conspicuously displayed twenty-four (24) hours prior to impounding a vehicle. Such notice shall be of a design, shape and color as approved by the chief of police.
- (2) Abandoned junk vehicle. Any motor vehicle extensively damaged, such damage including, but not limited to, the following:
 - (a) Broken window or windshield.
 - (b) Missing wheels and/or tires.
 - (c) Missing motor and/or transmission.
- (3) Abandoned vehicle. Any vehicle left on any street, roadway, or alley for a period of twenty-four (24) consecutive hours without being moved or on private property for a period of seven (7) consecutive days without being moved.
- (4) Automobile hulk. Automobile hulk is synonymous with wrecked, dismantled or inoperative vehicle and means the remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts and the application of a substantial amount of labor to effect repairs.

Sec. 313 Towing and impounding vehicles parked in violation of the law. 61-6-116.10

- (1) The vehicles described in the following subsections are hereby declared a public nuisance which may be summarily abated by removal at the direction of a peace officer who may require that such vehicles be towed to a reasonably secure storage lot or such other location as the officer deems appropriate.
 - (a) Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this code;
 - (b) A vehicle found upon the streets or alleys of this city with faulty or defective equipment;
 - (c) Any vehicle left unattended upon any bridge, viaduct or at any subway where such vehicle constitutes an obstruction to traffic.
 - (d) Any vehicle upon a street so disabled as to constitute an obstruction to traffic where the owner or operator of the vehicle is unable to safely and immediately

remove the vehicle from obstructing traffic.

- (e) Any vehicle left unattended upon a street or alley and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 - (f) Any abandoned vehicle, abandoned junk vehicle, or automobile hulk parked in the same place on any street or alley continuously for twenty-four hours;
 - (g) Any vehicle the driver of which has been taken into custody by the police department under such circumstances as would leave such vehicle unattended in a street, alley, or restricted parking area;
 - (h) Any vehicle parked or being driven on the streets not in a proper condition to be driven in accordance with Section 90 of this code; or
 - (i) Any vehicle found so parked as to constitute a fire hazard or any obstruction to fire fighting apparatus;
- (2) Unless a vehicle is impounded under Section 125 in connection with driving under the influence, after performing a tow truck service without the vehicle owner's knowledge, the person operating the tow truck shall:
- (a) within one hour of arriving at the place of storage or impound of the vehicle, contact the law enforcement agency having jurisdiction over the area where the vehicle was picked up and notify the agency of the:
 - (i) location of the vehicle;
 - (ii) date, time, and location from which the vehicle was removed,
 - (iii) reasons for the removal of the vehicle;
 - (iv) person who requested the removal of the vehicle; and
 - (v) vehicle's description, including its identification number and license number; and
 - (b) within five days of performing the tow truck service, send a certified letter to the last known address of the registered owner of the vehicle obtained from the Motor Vehicle Division or if the person has actual knowledge of the owner's address to the current address, notifying him of the:
 - (i) location of the vehicle;
 - (ii) date, time, location from which the vehicle was removed;
 - (iii) reasons for the removal of the vehicle;
 - (iv) person who requested the removal of the vehicle;
 - (v) vehicle's description, including its identification number and license

number; and

(vi) costs and procedures to retrieve the vehicle.

- (3) The registered owner of a vehicle lawfully removed is responsible for paying the towing, impound, and storage fees.
- (4) Towing, impound, and storage fees are a possessory lien on the vehicle until paid.
- (5) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (2)(b).

(a) Sections 2 through 5 above do not apply to a person who is towing a vehicle owned by that person in a non-commercial operation.

- (6) The impounding of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings in the city court or elsewhere against the owner or operator of such impounded vehicle.
- (7) Before the owner or his/her agent shall be permitted to remove a vehicle which has been impounded he/she shall:
 - (a) Furnish satisfactory evidence to the police department of his/her identity and his/her ownership of said vehicle.
 - (b) Request and obtain from the police department a written order directed to the place of storage in which said vehicle is impounded, authorizing the release of said vehicle to said owner or his/her agent upon the payment to said place of storage of towing and storage charges reasonably incurred in the towing and storage of said vehicle from the date of said impounding to the time of presenting the order of release from the police department therefor.
 - (c) Sign a written receipt of said vehicle and deliver the same to the place of storage upon receiving said impounded vehicle.
- (8) If, at the expiration of fifteen days after mailing the notice provided for in paragraph (a) hereof, such vehicle is not redeemed by the owner or his/her proper representative,
 - (a) The chief of police or his/her authorized agent shall proceed to sell the same at public auction after first giving at least ten days' notice of said sale by publishing said notice at least once in a newspaper stating the time and place of such sale.
 - (b) Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division of the State Tax Commission show the same to belong, and if the name of the owner be unknown said fact shall be stated.
 - (c) If the name of the owner or recorded lien holder, if any, be known, the police

department shall send such owner or recorded lien holder a copy of such notice as published immediately after the publication of same, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission.

- (d) A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The chief of police or his/her authorized agent may accept or reject all bids for such vehicle, but upon acceptance the vehicle must be sold to the highest bidder.
 - (e) The money received by the chief of police, or his/her authorized agent, from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale in the amount of ten dollars for each vehicle so impounded and the balance, if any, shall then be converted into the city treasury of Sandy City to be used as hereinafter provided.
- (9) At any time within one year from and after such sale, the former owner of the vehicle sold, upon application to the City Council of Sandy City and upon presentation of satisfactory proof that he/she was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses thereof and less the towing, impounding and storage charges provided for in paragraph (d) of this section.
- (10) The police department shall keep a record of all vehicles impounded by manufacturer's name or make, body type, motor and/or license number, and names and addresses of all persons claiming the same, and such other descriptive matter as may identify such vehicles, the nature and circumstances of the impounding thereof, and the violation on account of which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom such vehicle is released.
- (11) The police department of Sandy City shall immediately impound, in a proper place of storage, all vehicles found within said city that are improperly registered, stolen or bear defaced motor numbers and shall within ninety-six hours thereafter notify in writing the Motor Vehicle Division of the Utah State Tax Commission of such impounding, setting forth in such notice the date found, the address where found, the name, registration number, and date and place where stored.
- 41-1-115
- (12) A vehicle which has been determined to be an abandoned junk vehicle or automobile hulk as provided by the provision of Section 312 when found unattended upon any public street, avenue or alley, is hereby declared to be a nuisance and may be summarily abated by removing the same by or under the directions or at the request of a police officer of Sandy City to a scheduled place of disposal by means of towing or otherwise. Any such vehicle may be converted into scrap or otherwise disposed of without complying with the requirements of

subsections (a) and (d) of this section.

- (13) Any vehicle illegally parked or abandoned on public property in places other than streets or alleys. For the purpose of this section a vehicle shall be considered abandoned if it is left for a period exceeding seven (7) days without permission of the public agency upon whose property the vehicle is parked.
- (14) The Mayor may adopt rules consistent with the laws of the State of Utah and Sandy City to implement this section or other sections of Sandy City Ordinances which permit or require the towing of vehicles.

Article 20 REGULATIONS GOVERNING TRAFFIC AND PARKING ON CITY, COUNTY, STATE, AND SCHOOL GROUNDS.

Sec. 314 Traffic ordinances to apply on City, County, and State properties.

All traffic ordinances of Sandy City shall apply to the movement and parking of vehicles on city, county and state properties within the corporate limits of Sandy City.

Sec. 315 Regulation of traffic and parking on school grounds.

- (1) The applicable State, County, and City traffic and parking regulations shall be enforced upon school and school district property.
- (2) Maximum speed on school and district premises is ten (10) miles per hour.
- (3) Vehicular traffic is limited to entering, exiting, and parking. No cruising or loitering will be permitted.
- (4) All vehicles are restricted to designated roadways. Motorized vehicles will not be driven on lawns, paths, or other prohibited areas.
- (5) No parking will be allowed in the areas where the curb is painted red, designated "NO PARKING", or where such parking would obstruct regular vehicular traffic.
- (6) Students, staff and faculty shall not park in areas designated "FOR VISITORS" or "RESERVED" or "HANDICAPPED" unless specifically authorized to do so by legitimately qualifying for said parking area.
- (7) The following rules and regulations relate to the registration, parking and control of vehicles by students:
 - (a) All district traffic and parking regulations and individual school regulations (if any) will be distributed to every student and faculty member at or before the beginning of each school year.

- (b) Students must register with the school all motor vehicles which will be driven or parked on school property. A registration decal must be displayed on the vehicle as follows:
 - (1) Cars - left side of rear window.
 - (2) Trucks, rough terrain vehicles (jeeps, etc.) - lower right side of front window.
 - (3) Motor bikes and cycles - rear frame or rear fender.
- (c) Prior to vehicle registration at the local high school or issuance of the decal, the student must possess the following:
 - (1) A valid Utah Driver's License.
 - (2) A parent or guardian's written permission for the student to bring a motor vehicle to school.
 - (3) A signed statement by the parent and student that they understand when any car is on school property the car may be searched, if the school authorities have reasonable cause to suspect that materials that are in violation of the state, city or school code are stored therein and they further understand that any materials found may be seized and used as evidence in school disciplinary hearings and/or legal proceedings.
- (d) Students are to park in the designated student parking areas and within parking spaces as directed by painted lines and signs.
- (e) Faculty and staff parking shall be designated, and students are not to park in these areas.
- (8) All regulatory signs utilized on district or school property grounds shall be placed in conspicuous and appropriate areas of the grounds. All regulatory signs must be approved by the district prior to posting.
- (9) These rules and regulations shall be enforced by the Sandy City police department. Enforcement may include, but shall not be limited to, the following:
 - (a) Citations.
 - (b) Towing away at owner's expense, and/or
 - (c) Revocation of the privileges to park and drive on school property. The Board of Education assumes NO responsibility for damage to cars, lost articles, damage to property or injury to persons by the automobile or its driver while on school district property.

Sec. 316 Parking in areas designated for parking by employees and officials of Sandy City Corporation, Salt Lake County, and Utah

State.

These parking areas shall be designated by appropriate signs setting forth the nature of the restriction and the times thereof.

Sec. 317 Parking permit required.

Only vehicles displaying a valid and authorized parking permit issued by the City Transportation Engineer, or a person designated by the City Transportation Engineer, shall be allowed to park in the areas designated in Section 316 of this article. Any parking space specifically designated for a particular vehicle by number or other denotation shall be occupied only by a vehicle displaying a parking permit bearing that particular number or denotation.

Sec. 318 Unlawful to park.

It shall be unlawful for any vehicle to park in a numbered or otherwise denoted parking stall except a vehicle displaying a parking permit as referred to in Section 317 bearing the corresponding number or denotation.

Article 21 Noise Standards

Sec. 319 Definitions.

For the purposes of this article, the following definitions shall apply:

- (1) dB(A) Level. Shall mean the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the decibel.
- (2) Decibel. (Db) shall mean a logarithmic unit of amplitude which denotes the ratio of two (2) quantities.
- (3) Sound Pressure Level. Shall mean (SPL, Lp) is expressed in decibels and shall be twenty (20) times the logarithm to the base ten (10) of the ratio of the effective sound pressure to the reference sound pressure. The effective sound pressure shall be the root-mean-square of the instantaneous pressure. The reference pressure shall be 20 micro-Neutons per meter squared.
- (4) A Scale. The "A Scale" level [Db(A)], (dBA), is expressed in decibels and shall be the sound pressure level which is frequency weighted in accordance with an A weighting network.
- (5) Sound level meter. Shall mean an instrument including a microphone, an amplifier, and output meter, and frequency weighting networks for the measure of noise and sound pressure levels in a specified manner.

Sec. 320 Motor Vehicle Noise.

It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved either a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown in subparagraph (1)(a) and (1)(b). Noise shall be measured at a distance of twenty-five feet (7.5m) from the near side of the nearest lane being monitored and at a height of at least four feet (1.2m).

- (1)
 - (a) Any motor vehicle with a manufacturer's GVW rating of 10,000 lbs. or more or any combination of vehicles towed by such motor vehicles shall not emit a sound pressure level to exceed 88 Db(A).
 - (b) Any motor vehicle with a manufacturer's GVW rating of 10,000 or less or any combination of motor vehicles towed by such motor vehicles shall not emit a sound pressure level to exceed 80 Db(A).
 - (c) Subparagraphs (a) and (b) of this section shall apply only to vehicles traveling on streets with a posted speed of forty (40) miles per hour or less.
- (2) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.
- (3) No person shall sell or lease, or offer for sale or lease any motor vehicle of a type described above which exceeds the maximum decibel levels set forth above.
- (4) Any vehicle which is found not to be in conformity with this and which is manufactured prior to January 1, 1974, may be exempted from the noise levels specified herein provided a good and sufficient showing can be made:
 - (a) That to comply would cause irreparable harm or injury to the engine of said vehicle.
- (5) An exemption may be granted if the City Council or its authorized representative shall be satisfied that a condition as provided above exists rendering compliance impossible, that the vehicle is equipped in all other respects so as to minimize to the maximum degree possible the objectionable noise, and that the noise thus emitted shall not be of such a nature as to necessitate its total prohibition.
- (6) This provision shall not apply to a new equipment which, as manufactured, could have complied with the noise levels specified above, but which has been modified so as to no longer be in compliance.

Sec. 321 Sound Level Measurement.

Sound level measurement shall be made with a sound level meter using the "A" weighting scale in accordance with those standards promulgated by The Society of Automotive Engineers, The American National Standards Institute, or any other procedure adopted and tested by the city departments charged with enforcing this article.

Sec. 322 Enforcement.

- (1) The Sandy City Police Department, with cooperation from the Salt Lake City-County Health Department, shall enforce the provisions of this article. Said departments shall be equipped with the appropriate equipment for measuring sound levels as provided in Section 321 for purposes of enforcing this article.
- (2) Where a motor vehicle is deemed to be in violation of this article, the owner may transport it to a central testing location for further evaluation. If said vehicle is re-evaluated and found not to be in violation of the decibel standards outlined above, no further proceedings shall be instituted and any citation issued shall be dismissed.

Article 22 All-Terrain Vehicles

Sec. 323 Policy declaration.

41-22-1

It is the policy of this state and the city of Sandy to promote safety and protection for persons, property, and the environment connected with the use, operation and equipment of snowmobiles, all-terrain and other recreation vehicles.

Sec. 324 Definitions.

41-22-2

- (1) All-terrain vehicle: means any motorized vehicle designed for or capable of travel over unimproved terrain.
- (2) Dealer: means a person, partnership, or corporation engaged in the business of selling recreation vehicles at wholesale or retail.
- (3) Manufacturer: means a person, partnership, or corporation engaged in the business of manufacturing recreation vehicles.
- (4) Operate: means to ride in or on and control the operation of any recreation vehicle.
- (5) Operator: means the person in actual physical control of the operation of a recreation vehicle.
- (6) Owner: means a person, other than a lien holder, having the property or title to the use or possession of a recreation vehicle.
- (7) Public land: means
 - (a) Land owned or administered by any federal or state agency or any political subdivision of the state;
 - (b) Any private land which is open to public recreation vehicle use; and

- (c) Any road or highway closed to motor vehicle traffic.

This definition does not include any portion of the right-of-way or surface of any public street, road or highway open to motor vehicles which are required to be registered with the division of motor vehicles.

- (8) Recreation vehicle: means any snowmobile or all-terrain vehicle engaged in off-highway, recreational use.
- (9) Register: means the act of assigning a registration number to a recreation vehicle.
- (10) Regulations: means all rules, regulations, and standards adopted by the council of Sandy City pursuant to and in accordance with the provisions of this act.
- (11) Snowmobile: means any motorized vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

Sec. 325 Registration of vehicles.

41-22-3

- (1) (a) Unless exempted under Section 41-22-9, U.C.A., no person may operate or transport and no owner may give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state or city of Sandy unless the off-highway vehicle has been registered under this chapter for the current year.
- (b) Unless exempted under Section 41-22-9, no dealer may sell an off-highway vehicle which can be used or transported on any public land, trail, street, highway in this state or city of Sandy, unless it has been registered or is in the process of being registered under this chapter for the current year.
- (2) The owner of any off-highway vehicle requiring registration under this chapter shall file an application for registration with the Motor Vehicle Division on forms approved by it.
- (3) Each application for registration of an off-highway vehicle shall be accompanied by:
- (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number.
- (b) the past certificate of registration; or
- (c) the fee for a duplicate.
- (4) With every initial registration, the Motor Vehicle Division shall assign a number which shall remain with the vehicle and be valid until ownership of the vehicle is transferred. The number shall be displayed on the vehicle in a manner prescribed

- (5) The Motor Vehicle Division, before issuing a registration card and registration stickers, shall require from each applicant a certificate from the county assessor of the county in which the off-highway vehicle has situs for taxation. The certificate shall state one of the following:
 - (a) the property tax on the off-highway vehicle for the current year has been paid;
 - (b) in the county assessor's opinion, the tax is a lien on real property sufficient to security the payment of the tax; or
 - (c) the off-highway vehicle is exempt by law from payment of property tax for the current year.
- (6)
 - (a) All records of the division made or kept pursuant to this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.
 - (b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

No person shall operate a recreation vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the

environment which includes pollution of air, water or land, abuse of the watershed, impairment of plant or animal life or excessive mechanical noise.

Sec. 330 REPEALED.

**Sec. 331 Permission required for race or organized event on public land.
41-22-15**

No person shall organize, promote or otherwise hold a recreation vehicle race or other organized event on any public land without obtaining written permission from the Sandy City Council or the City Transportation Engineer. The request for permission shall be submitted as may be set by the City Transportation Engineer in cooperation with the City Council but in no case less than fifteen days prior to the proposed event.

Sec. 332 Failure to obey officer's signal unlawful. REPEALED.

**Sec. 333 Operation of all-terrain vehicles and snowmobiles on roadway.
41-22-23**

No person shall operate an all-terrain vehicle or snowmobile upon any public roadway except in the following instances:

- (1) When crossing a public roadway and the driver comes to a complete stop before crossing, proceeds only after yielding the right-of-way to oncoming traffic, and crosses at right angles.
- (2) When loading or unloading from a vehicle or trailer, which must be done with due regard for safety, and at the nearest practical point of operation.
- (3) When a roadway has been officially closed to motor vehicle traffic by the City Council or the City Transportation Engineer.
- (4) A snowmobile may be operated when an emergency exists or during any period of time and at those locations where snow upon the roadway renders travel by motor vehicle impractical, or when the operation is directed by law enforcement officers or other public authorities.
- (5) This section does not apply to those all-terrain vehicles that are properly registered for the highway in accordance with state law and have proper equipment for operation on the highway.

**Sec. 334 Unlawful operation of all-terrain vehicle or snowmobile.
41-22-24**

It shall be unlawful:

- (1) For any snowmobile or all-terrain vehicle to operate along, across or within the boundaries of an interstate freeway or limited access highway at any time.

- (2) For a snowmobile or all-terrain vehicle to operate during the hours of darkness unless the vehicle is equipped with at least one head lamp having sufficient power to reveal a person or vehicle at a distance of 200 feet, and at least one tail lamp visible at a distance of 500 feet.
- (3) For a person to operate such a vehicle without brakes in good mechanical condition.
- (4) For any person to operate such a vehicle in a manner endangering any person or damaging any property.

Sec. 335 Violation of provisions -- Misdemeanor. 41-22-17, 27

Any person who violates any provision of this article or the regulations, upon conviction, shall be guilty of a class C misdemeanor.

**ARTICLE 23 MOTOR ASSISTED SCOOTERS,
MOTORCYCLES, MOTOR-DRIVEN CYCLE,
ALL-TERRAIN TYPE I VEHICLES**

**Sec. 336 Motor Assisted Scooters - Conflicting Provisions - Restrictions -
Penalties. 41-6-90.5**

- (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.
- (b) A person operating a motor assisted scooter is not subject to the provisions related to:
 - (i) seating positions under 41-6-107, U.C.A.; and
 - (ii) required lights, horns, and mirrors under 41-6-154.50, U.C.A.
- (2) A person under 16 years of age may not operate a motor assisted scooter using the motor unless the person is under the direct supervision of the person's parent or guardian.
- (3) A person under 16 years of age may not operate a motor assisted scooter:
 - (a) in a public parking structure;

- (b) on public property posted as an area prohibiting skateboards;
 - (c) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic;
 - (d) on a highway with a posted speed limit greater than 25 miles per hour; or
 - (e) that has been structurally altered from the original manufacturer's design.
- (4) Except where posted or prohibited by rule or local ordinance, a motor assisted scooter is considered a nonmotorized vehicle if it is being used with the motor turned off.
- (5) A person who violates this section is guilty of a class C misdemeanor.

**Sec. 337 Motorcycle or Motor-Driven Cycle -- Place for Operator to Ride
-- Passengers.**

- (1) (a) A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a motorcycle or a motor-driven cycle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
- (b) A person shall ride upon a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (c) No person shall operate a motorcycle or motor-driven cycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or motor-driven cycle or the view of the operator.

**Sec. 338 Motorcycles, Motor-Driven Cycles, or All-Terrain Type I Vehicles
-- Operations on Public Highways. 41-6-107.2**

- (1) All motorcycles and motor-driven cycles are entitled to full use of a lane and no motor vehicle may be driven in a manner so as to deprive any motorcycle or motor-driven cycle of the full use of a lane. This subsection does not apply to motorcycles or motor-driven cycles

operated two abreast in a single lane.

(2) The operator of a motorcycle or motor-driven cycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person may operate a motorcycle or motor-driven cycle between lanes of traffic, or between adjacent lines or rows of vehicles.

(4) Motorcycles or motor-driven cycles may not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) do not apply to police officers in the performance of their official duties.

(6) The provisions of this section also apply to all-terrain type I vehicles.

Sec. 339 Motorcycle or Motor-Driven Cycle -- Attaching to Another Vehicle Prohibited. 41-6-107.4

No person riding upon a motorcycle or motor-driven cycle shall attach himself to any other vehicle on a roadway.

Sec. 340 Motorcycle or Motor-Driven Cycle -- Footrests for Passenger -- Height of Handlebars Limited. 41-6-107.6

(1) Any motorcycle or motor-driven vehicle carrying a passenger on a public highway, other than in a sidebar or enclosed cab, shall be equipped with footrests for such passenger.

(2) No person shall operate any motorcycle or motor-driven cycle with handlebars above shoulder height.

Sec. 341 Motorcycle or Motor-Driven Cycle -- Protective Headgear -- Closed Cab Excepted -- Electric Assisted Bicycles. 41-6-107.8

(1) A person under the age of 18 may not operate or ride on a motorcycle or motor-driven cycle on a highway unless the person is wearing protective headgear which complies with rules made under subsection (3). The operator of a motorcycle or motor-driven cycle is responsible

for any passenger under the age of 18 failing to wear protective headgear.

(2) This section does not apply to persons riding within an enclosed cab.

(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall make rules establishing specifications and standards for the use of protective headgear required under the section.

(b) The rules shall require that protective headgear for an operator of an electric assisted bicycle and a motor assisted scooter meet the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling.

Endnotes

1 (Popup - Popup)

Trooper did not write down exact reading of breathalyzer calibration; court ruled that it did not comply with Utah Admin. Code requirements; prosecution could not rely on test results and presumption of validity; however, results would be admissible if State could establish proper foundation by means other than hearsay. State v. Garcia, 347 Utah Adv. Rep. 44 (Utah Ct. App. 1998). Court of Appeals reversed DUI conviction where trial court refused to admit evidence dealing with absorption rates of alcohol, which defense tendered to prove def. was not drunk at time arrested. Court ruled that there was conclusive presumption that def. is intoxicated if intox. test shows a blood alcohol level of .08 or above and is taken within two hours of the stop. State v. Preece, 358 Ut. Adv. Rep. 41 (Utah Ct. App. 1998).

2 (Popup - Popup)

Officer had "probable cause", more than requisite reasonable articulable suspicion, to stop, incident to traffic violation observed by officer. Evidence not to be suppressed. State v. Preece, 358 Utah Adv. Rep. 41, (Ct. of Appeals, 1998)